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May 2003

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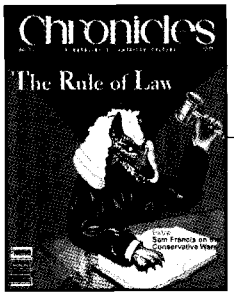

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A MAGAZINE OF AMERICAN CULTURE

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On Monolithic Catholics

I enjoyed reading Paul Gottfried's review of my book *The Slaughter of Cities: Urban Renewal as Ethnic Cleansing* ("The Rest of the Story," January), but I was puzzled by what he calls "the obvious counterarguments" to my position. The most obvious, he claims, is that "Catholic Democrats . . . were instrumental in bringing about the changes he deplores." How is this a counterargument to what I say in the book? Catholic reaction to urban renewal was not uniform. In general, it differed according to class. The most resistance to social engineering came from Catholics who were still living in the urban neighborhoods that were targeted for extinction. The most support came from Catholics who had "arrived," who had "made it" in a culture where making it meant moving to the suburbs.

In Boston, the dichotomy is expressed best by comparing Judge Arthur Garrity (the Catholic judge who was the author of the busing decision) to Ray Flynn and Louise Day Hicks (the Catholics who remained in the neighborhoods targeted for social engineering and fought it). The fact that many Catholics went along with social engineering does not change the fact that ethnic Catholic neighborhoods were its primary target. Nor does it change the fact that other ethnic groups—the East Coast WASP establishment and their liberal Jewish allies in such groups as Americans for Democratic Action—were the authors of that social engineering. No matter how many Catholics ended up being useful idiots, they did not create this policy. That honor goes to Jewish liberals such as Louis Wirth of the University of Chicago and enlightened WASPs such as Paul Ylvisaker of the Ford Foundation. The Catholic mayors Gottfried mentions fall along the spectrum between Judge Garrity and Louise Day Hicks. Richard J. Daley thought he could take federal money and use it to solve racial tension in Chicago by building high-rise ghettos. And Jerry Cavanaugh seems to have believed all the rhetoric about urban renewal as a solution to "blight," *etc.*

All of these examples, however, miss a larger point—namely, that social engineering is, as the social engineers themselves noted, the engineering of consent. Although much of it seemed like rape, it was really seduction. Gottfried gives the impression that consent and social engineering are mutually exclusive; they are not. The average Catholic who left West Philadelphia and moved to Delaware County did so because of a combination of the stick of black migration (and the crime that came with it) and the carrot of upward mobility and assimilation, which invariably saw the suburbs as an improvement over the ethnic neighborhood. In some instances, there was more of the first than the second, and, in some instances, there was more resistance. To say that this wasn't social engineering because the people, in some sense, consented to it is to miss the point of social engineering. This reminds me of the Manchester School of thought on wages: Just because

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a man agrees to a wage doesn't mean the wage is just; his consent can be "engineered" by financial necessity and a host of other factors.

Gottfried seems annoyed that "the despoliation of their neighborhoods did not provoke Catholic ethnics to flood into the populist right." It's difficult to know what he means by the "populist right," but this "flood" is precisely what happened when Richard Nixon implemented the ethnic strategy that Kevin Phillips articulated in *The Emerging Republican Majority*. In reaction to the wretched excesses of the civil-rights movement, Catholics flocked to the Republican Party in the 1972 election, and, eight years later, they were largely responsible for the election of Ronald Reagan and the conservative *Zeitgeist* that has dominated political life from Nixon to George W. Bush. My point is that Catholics were badly served by both parties, because both accepted the city/liberal/Democrat-suburb/conservative/Republican dichotomy that doomed the Catholic neighborhoods that were the locus of Catholic political power in America. The suburbs, like the television and the automobile, are a form of social control. That people choose to live there does not change that fact; it only highlights how easily consent can be engineered.

—E. Michael Jones
South Bend, IN

One of the reasons we started the American Chesterton Society was because most people either don't know anything about G.K. Chesterton or know something that isn't true. Paul Gottfried falls into the latter category when he writes in his review, "The American left, in particular, has given fresh meaning to G.K. Chesterton's aphorism that hate unites people more effectively than love."

Chesterton never said anything like that. He did, however, say many things that express precisely the opposite idea. In fact, one could argue that the whole point of *The Man Who Was Thursday* is that we are shocked to discover that those whom we are convinced are our enemies turn out to be on our side after all, not because they hate the same things we hate but because they love the same things we love. In *The Everlasting Man* and *St. Francis of Assisi*, Chesterton argues for a brotherhood of man that extends not only across class lines but, much more interestingly, even across time. The things we hold in common unite us, making us of a "common mind." In his book on Charles Dickens, Chesterton writes: "The common mind means the mind of all the artists and heroes; or else it would not be common. Plato had the common mind; Dante had the common mind . . . Commonness means the quality common to the saint and the sinner, to the philosopher and the fool . . . In everybody there is a certain thing that loves babies, that fears death, that likes sunlight . . . "

The only time Chesterton ever refers to "two dingy classes of men united by their common contempt for the people" is in *The Club of Queer Trades*. The two groups in question? Railway engineers and philanthropists.

—Dale Ahlquist
President, American Chesterton Society
Minneapolis, MN

Dr. Gottfried Replies:

Although I might have missed something while reading E. Michael Jones, I did notice the considerable space he devoted to explaining how sinister Protestants duped Catholics into "going along with" urban planning. My counterargument is that ethnic Catholics in the United States are entirely responsible for wrecking their neighborhoods and once admirable traditional culture. No matter where he puts them on the "spectrum," their cumulative political influence has been anything but conservative. Catholic voters in the United States, like those in England and Canada, are situated preponderantly on the left; and it is foolish to worry about malign Protestants when predominantly Catholic voters have supported such self-described Catholic politicians as Teddy Kennedy, Joseph Biden, Mario Cuomo, Nancy Pelosi, John Kerry, and Christopher Dodd. My own Catholic students and colleagues, though regular Catholic communicants, are more often than not to the left of their Protestant counterparts, particularly on such Catholic concerns as gay marriage and partial-birth abortion. In Canada, as Kevin Michael Grace has shown in the *Alberta Report*, it was impossible to get the Catholic hierarchy to express moral support for an evangelical printer when the federal Human Rights court went after him for refusing to print an invitation to a homosexual party. The Catholic bishops would not break rank from their pro-homosexual leftist allies, who supposedly were protecting endangered minorities. Surely, there is enough evidence of Original Sin in Jones's communion without having to worry about Protestant machinations.

I am further puzzled by Jones's rhetorical effort to get ethnic Catholics off the hook for urban planning: "No matter how many Catholics ended up by being useful, they did not create this policy. That honor goes to Jewish liberals . . . and to enlightened WASPs." Although there is plenty of blame to go around, it is not clear why those who advance an abhorrent policy are less to be criticized than those who had planned it are. Does Jones believe, for example, that foreign collaborators who helped the Waffen SS and NKVD murder victims were somehow less objectionable than the Germans and Russians who had "planned" the slaughters were? His reference to a continuing Catholic contribution to a "conservative *Zeitgeist*," from Reagan to George W. Bush, fails to convince. In the last three presidential elections, most Catholic voters supported Democratic candidates.

While I understand Jones's discomfort in comparing today's Catholic ultra yuppies and feminist banshees to the Catholic extended families of his and my youth, it is important to note the fatal flaws that might have led from the old social style to the new. As I pointed out in my review, an intense dislike for the WASP Republican establishment, however understandable, led American Catholics toward the social and political left. In one long generation, the most prominent American Catholic political dynasty moved from the Irish American Anglophobia (combined with New Deal Democratic loyalty) of Joe Kennedy to the all-out radicalism of Teddy. It is not unreasonable to assume that, among these politicians and their followers, continuing social resentment and a sense of marginality fueled this movement toward the lunatic left.

I am pleased that Mr. Ahlquist pointed out my error in attributing to Chesterton a statement that was not his. Although, admittedly, I had not encountered that aphorism in his work, my friend and occasional advisor John Lukacs believed that it had come from G.K. Despite this slip-up, I have read much of Chesterton's prose and faithfully subscribe to the *Chesterton Review*, a fact that Fr. Ian Boyd would no doubt happily confirm. I shall continue to treasure this aphorism that Ahlquist apparently objects to, whoever the perceptive author may have been.

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Patriotic Conservatives During "Shock and Awe"

How does a patriotic conservative behave when he believes his country has made a mistake by entering a war?

"Politics ends at the water's edge" has been the conventional wisdom since 1940's. The statement was made by Senator Arthur Vandenberg, a Midwestern isolationist who signed on to FDR's adventurism and the postwar crusade against the Soviet Union. Vandenberg's about-face is usually attributed to patriotism or anticommunist *Realpolitik*. The reality turns out to be somewhat less noble: British intelligence agents set up the highly susceptible senator with an attractive woman and then blackmailed him into submission, an operation documented in Thomas Mahl's *Desperate Deception*.

The corollary to Vandenberg's dictum is that, as loyal citizens, we must support the troops or even that we must obey the Commander in Chief. The President, however, is the Commander in Chief of the U.S. Armed Forces, not of the citizens of the United States. To suggest otherwise is to treat our country as a military dictatorship. Every nation demands loyalty from its citizens, and no decent American would give aid and comfort to an enemy or undermine the morale of American soldiers. One complicating factor is that we no longer have a citizen army drafted from the people but a volunteer army whose members have enlisted for a variety of reasons: good pay, education, career advancement. It is more accurate to say that we support them not as citizen-soldiers (which, for the most part, they are not) but as our fellow citizens who have elected to become soldiers. In the same spirit, we support the police and firemen or American diplomats who are attacked or kidnapped by the enemies of our country.

It is one thing to support the troops, however, and another to give a blank check to a particular administration. What is the difference, morally speaking, between the statement "I support the troops, no matter what the cause and no matter how the war is conducted" and "I was only following orders"? Morally responsible people cannot suspend their consciences in time of war, and if the United States decided to use poison gas or nuclear weapons against the people of Iraq, moral people would be obliged to speak out; and if there are moral Americans who agree with the Pope that the United States is not justified in her war against Iraq, then they have the right and obligation to speak their minds—within the limits of civility and loyalty.

Different wars, it must be said, require differing responses. There are legitimate reasons for muting or even silencing criticism during wars in which the very survival of the country may be threatened, as France was threatened in World War II and the United States in the War of 1812. In most wars, however, national survival is not at issue, and citizens are more free to question both the motives and the conduct of the war, as G.K. Chesterton did in the Boer War and Lincoln did in the Mexican War.

A significant minority of Americans do not believe that the government of the United States has a just cause to invade Iraq. Some (*Chronicles* editors among them) have argued that the long-term result of this war will be an increase of Islamic terrorism against the United States, the solidification of Arabic hatred of our ally Israel, and the formation of anti-American alliances among France, Germany, Belgium, Russia, China, and who knows how many other important states. In the months leading up to the war—upon which George Bush resolved absolutely at least a year ago, which his advisors urged upon him shortly after the election, and which the neoconservatives claim to have decided on before the end of 1997—many of us spoke out forcefully against what we believed then (and still believe) to be a wrongheaded policy. Now that the war has come and some of the predictions are already coming true (though the American media is not covering the violent demonstrations taking place in the Islamic world), it would be a mistake either to withdraw from the position we have taken or, insofar as the future is concerned, to fall silent on the difficult issues that our nation faces. Silence, under such circumstances, would quite properly be interpreted as a display of cowardice and opportunism worthy of Arthur Vandenberg.

We maintain the right to speak the truth but we do not intend to join Michael Moore or other self-promoting celebrities in their "peace" riots, much less to join forces with disgraceful and America-hating leftists like Ramsey Clark. We do not condemn the decision made by some antiwar libertarians to take part in the leftist antiwar movement. Though we believe such cooperation is a mistake, those of us who have made such mistakes in the past are in no position to point an accusing finger.

We firmly believe that the President is mistaken, misled by advisors who are either reckless adventurers or pursuing a political agenda that is not in the American interest. Rhetorical attacks on George W. Bush, his administration, and his party will only serve to deepen and widen the breaches in American political life. This is a time for constructive dialogue among Americans of good will, not for reciprocal excommunications.

The best thing that could happen, both for the people of Iraq and for the Americans sent to fight this war, would be a speedy American victory followed by a serious reconsideration of U.S. strategy. A long-term occupation, such as the neoconservatives envision, would only aggravate the serious problems we have already created. With these two objectives in mind, we shall continue to discuss and deplore the policies advocated by the sinister forces at the Department of Defense, as represented by Paul Wolfowitz and his erstwhile colleague Richard Perle (who is once again working for foreign interests), and we shall continue to advocate an international strategy that acknowledges the independence of sovereign nations and the need for cooperation with the nations of Europe, including Russia.

We reserve our contempt for the little buglers and drummer boys, unleashing the dogs of war from the safety of their weblogs and chat rooms, but we offer our prayers for the American troops and for the people of Iraq. To the Bush administration, we shall continue to give the friendly advice and constructive (sometimes severe) criticism that is owed by loyal citizens to the government of the country they love.

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THE DIXIE CHICKS have caused quite a stir in Lee Greenwood's America. To recap, for those who have taken E. Michael Jones' advice and drop-kicked their television set out the front door: On March 10, during a concert in London, singer Natalie Maines said, "Just so you know, we're ashamed the President of the United States is from Texas," after which the crowd cheered.

Why would Miss Maines make such a statement, and why was it so well received by her London audience and throughout Europe?

Not a week before, at a White House press conference, ABC News' Terry Moran had asked President Bush, "In the past several weeks, your policy on Iraq has generated opposition from the governments of France, Russia, China, Germany, Turkey, the Arab League and many other countries, opened a rift at NATO and at the U.N., and drawn millions of ordinary citizens around the world into the streets in anti-war protests. May I ask, what went wrong that so many governments and people around the world now not only disagree with you very strongly, but see the U.S. under your leadership as an arrogant power?"

According to the official website of the White House (*www.whitehouse.gov*), the President responded, "I think if you remember back prior to the resolution coming out of the United Nations last fall, I suspect you might have asked a question along those lines—how come you can't get anybody to support your resolution. If I remember correctly, there was a lot of doubt as to whether or not we were even going to get any votes, much—well, we'd get our own, of course."

Through statements such as this, the President has alienated and angered key allies in "Old Europe" as well as the Arab nations who produced the September 11 *mujahideen*. In so doing, he managed to be both cavalier and awkward, almost ticcing as he repeatedly blurted "1441," a reference to the 1991 U.N. resolution demanding that Saddam divest himself of "nuclear, chemical, and biological weapons." Such behavior could be considered to be embarrassing.

Nine days after Miss Maines made her statement, President Bush let slip the dogs of war, and the target of opportunity gave way to shock and awe as Operation Iraqi Freedom rolled through the desert. By then, the U.S. media—the country-music industry, in particular—had pulled a Trent Lott on Maines and the Chicks, demanding that they never be heard from again. Across the fruited plain, country stations lined up to protest the unpatriotic Chicks, hosting live events to which listeners could bring their Dixie Chicks CDs to be burned, and patriotic paragons Rush Limbaugh and Bill O'Reilly began to denounce Miss Maines *ad nauseam*.

Reacting to the swell of press coverage concerning their singer's lighthearted comment, the Chicks issued a statement on March 12: "We've been overseas for several weeks and have been reading and following the news accounts of our government's position. The anti-American sentiment that has unfolded here is astounding. While we support our troops, there is nothing more frightening than the notion of going to war with Iraq and the prospect of all the innocent lives that will be lost." Maines added, "I feel the President is ignoring the opinions of many in the U.S. and alienating the rest of the world. My comments were made in frustration and one of the privileges of being an American is you are free to voice your own point of view."

The Dixie Chicks have been around since 1990, after sisters Martie and Emily Erwin, young bluegrass virtuosos, teamed up with singers Robin Macey and Laura Lynch. In 1996, Macey and Lynch were replaced by Miss Maines, the daughter of pedal-steel legend Lloyd Maines, and the Chicks reconfigured their sound to be more country and less bluegrass. Their latest record, *Home*, contains more bluegrass and includes the song "Travelling Soldier," about a small-town boy dying in Vietnam after writing several letters to his high-school love back home, echoing Jimmie Rodgers' "Soldier's Sweetheart."

Whatever you think of the Dixie Chicks (their music is too rock-'n'-roll, their dress is often immodest, they sometimes associate with leftist musicians of the Lilith Fair variety), one thing is clear: When Natalie Maines made her infamous statement, the Dixie Chicks were living up to their name. Contrary to the war drums of the reconstructed country-music industry, our Connecticut-born President's war of conquest in Iraq does not reflect the spirit of Texas, let alone the land where old times are not forgotten.

On March 14, Miss Maines, without compromising her convictions about the war, attempted to show deference to the Commander in Chief: "As a concerned American citizen, I apologize to President Bush because my remark was disrespectful. . . . While war may remain a viable option, as a mother, I just want to see every possible alternative exhausted before children and American soldiers' lives are lost. I love my country. I am a proud American."

Save for statements of support from Travis Tritt and Bruce Springsteen, her apology was greeted in the press with more venom than her previous statements had generated. Pop-country jingo Toby Keith, whose "Courtesy of the Red, White, and Blue" has become the hee-haw anthem of pro-war country fans, began to show a split-screen on his concert jumbotron, featuring Miss Maines' face next to Saddam Hussein's. At the climax of Keith's Nuremberg rant, he declares, "We'll put a boot in your a--/ It's the American way." Now, wars of foreign aggression may have become the American way, but they sure ain't Dixie's. Miss Maines later replied that Keith's lyrics "make country music sound ignorant."

The gentlemanly comments of Joe Soucheray, a columnist for Minnesota's *Pioneer Press*, were typical of those that "patriotic" conservatives hurled at Miss Maines. "I always fancied the chubby one," he opined, making reference to her "plus-sized rhinestone studded cowboy boot" and saying, "Bless her blubbery little heart."

The most telling comment, however, came from *National Review Online*'s Stanley Kurtz, who chose, of all things, to charge the Chicks with not being Dixie *enough*. "No part of this nation has a better understanding of honor than the South. Natalie Maines has impugned the honor of our president, and of our nation—and done so in front of strangers." (As I recall, the Yankees *arrested* President Jefferson Davis and forced Dixie to be part of their "nation," à la the Soviets and East Berlin.)

"Doesn't she understand," Kurtz, the bold defender of the Southern way of life, continued, "that her remarks, although certainly political, have gone beyond politics to touch and harm something deeper [the limits of dissent? John Ashcroft, are you there?]. I would like her to try to

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make things right. But first she needs to understand what she's done. If Natalie Maines is really a chick from Dixie, she'll do the right thing." Apparently, the "right thing" is to keep your mouth shut, unless you are part of the "coalition of the willing" and are ready to sacrifice American blood and treasure for dominion over palm and pine—or, in this case, dune and well.

—Aaron D. Wolf

RUSSIA may have avoided a full-scale political crisis, at least temporarily, thanks to the Bush administration's decision in mid-March not to pursue a U.N. Security Council vote on its latest resolution on Iraq.

Russian President Vladimir Putin had appeared ready to accept Washington's planned "regime change" in Baghdad in exchange for a piece of the post-Saddam oil pie and Washington's recognition of the Chechen conflict as a part of the global "War on Terror," but Putin surprised the Bush White House in February when he not only aligned himself with Paris and Berlin in opposing the war but threatened to veto any U.N. resolution that would have opened the door to U.S. military action.

The Russian president, a former KGB officer, was forced by threats from his political patrons—the Boris Yeltsin "family," which apparently was considering forcing Yeltsin's chosen successor into early retirement—to seek support from elements in the Russian defense/security apparatus (the *siloviky*, or "power boys" from the "power ministries," especially the FSB, the KGB's successor). These *siloviky*, along with their allies in state-controlled oil companies who lack the American contacts of family-connected private firms and have maintained friendlier ties to Saddam Hussein's regime, have mounted an internal resistance to the influence of the family and related "raw-materials oligarchs" from the private oil and gas sector. Putin's Iraq shift was likely a signal to those unhappy with the continuing political and economic dominance of the family: By changing the pro-American Kremlin line favored by the Yeltsin clan and its allies, Putin was demonstrating his willingness to form an anti-family coalition and fight back.

In March, as the United States prepared for war, Putin and Russian Foreign Minister Igor Ivanov continued to protest, with Ivanov repeatedly threatening to veto any U.S.-backed war resolution. At the same time, divisions within the Russian elite over foreign policy appeared to widen as the war with Iraq approached. Yevgeni Primakov, Russia's former foreign minister and prime minister, as well as an ex-chief of the postcommunist Foreign Intelligence Service, made a sudden visit to Baghdad, reportedly proposing to his old friend Saddam Hussein a plan to avert war: Saddam would formally step down, handing power over to one of his sons; Russia would guarantee his personal security; Baghdad would take further steps to satisfy U.N. weapons inspectors; and Russia would continue to block U.S. war moves. Thus, "regime change" would be avoided, and Russia's "economic interests" would be protected. (Moscow is naturally concerned that Washington will ignore current contracts between Baghdad and Russian oil firms in a post-Saddam scenario.) At the same time, well-known family agent and Kremlin chief of staff Aleksandr Voloshin flew to Washington, allegedly to reassure the Bush White House that the Kremlin would not use its U.N. veto, as well as to nail down post-Saddam economic concessions to Russia.

Meanwhile, Putin took what appeared to be the next step in a full-scale assault on the family, announcing a reorganization of the "power ministries," with the FSB regaining control over the Border Troops (once an integral part of the KGB) along with important elements of FAPSI (the Russian equivalent of the U.S. National Security Agency), responsible for electronic and technical espionage and communications security. (FAPSI was abolished, divided between the FSB and the Ministry of Defense.) As part of the shakeup, FSB chief Nikolai Patrushev also reportedly gained control over Russia's electronic-voting tabulation system, which could prove handy for Putin and political parties favored by the *siloviky* with parliamentary elections approaching later this year and the presidential election set for March 2004. The anti-family *siloviky* were clearly gaining clout in the Putin Kremlin, and rumors of an impending government shakeup—with longtime family ally Prime Minister Mikhail Kasyanov pegged as the chief target—began circulating within the Moscow Ring Road.

At this point, Putin appeared to lose his nerve: He began making fewer comments about Iraq, and the seemingly imminent government shakeup has not yet materialized. Russian media accounts claimed that the U.S. decision to withdraw its war resolution had suited Putin perfectly: He was able to avoid a costly confrontation with Washington, while satisfying those who had favored a more pro-European and antiwar policy. With pressure mounting on Putin to force a showdown with the family, and a possible full-scale Moscow political crisis—which could conceivably have involved the use of force by the opposing camps—approaching, Bush had given Putin an opportunity to avoid pulling the U.N.-veto trigger. Such a course may have been suggested to President Bush by Putin's family-connected chief of staff, Voloshin, during his Washington trip. The family would likely have perceived a U.N. veto as a hostile action, while the *siloviky* may well have regarded it as their signal for the next move against the Yeltsin clan. Now, the family can regroup and plan its next step, and the *siloviky* may have lost the momentum in their battle with the Yeltsin clan.

With the Bush White House still looking to Putin's Kremlin for support in its War on Terror, with the rebuilding of Iraq ahead, and with an Israeli-Palestinian settlement—in which Russia could play an important mediating role—an absolute necessity for securing stability in the volatile Middle East, Washington had better take account of Russian internal political divisions if it wishes to understand Russia's likely reactions to U.S. moves.

—Wayne Allensworth

YUGOSLAVIA, R.I.P. On February 4, the Federal Assembly in Belgrade formally dissolved the state known as Yugoslavia and replaced it with a loose union of its remaining two republics, Serbia and Montenegro. On February 25, the separate parliaments of Serbia and Montenegro voted to nominate deputies for the new joint legislature that was then slated to elect a new president of the union, abolishing Vojislav Kostunica's post of Yugoslav president.

The agreement is a curious mix of federal and confederal elements, providing for near-complete sovereignty for the two republics. They will be linked only by a small joint administration running defense and foreign affairs. It remains to be seen whether the agreement also marked the final demise of the troubled Balkan federation. The status of Kosovo remains moot. It is formally part of the new state, just as it had theoretically belonged to the

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old one, but it is an international protectorate under *de facto* rule by Albanian gangsters who want nothing less than full independence. Albanians now form an overwhelming majority in Kosovo, as most Serbs and other non-Albanians—ethnically cleansed following the NATO occupation in 1999—have not been able to return.

In Montenegro, the separatist-minded recycled communists led by Milo Djukanovic are in power, and their willingness to make the arrangement work is uncertain. They were reluctantly dragged into the new state by the European Union, and their heart is not in the project. They already claim that, at the end of the three-year trial period, Serbia and Montenegro will inevitably go their separate ways.

From the very moment of her creation on the ruins of Old Europe at the end of World War I, until her bloody disintegration seven decades later, Yugoslavia was an unstable entity beset by national problems. Those problems were dealt with in different ways and with different intentions, and they all failed: from the Serb-Croat-Slovene centralism of 1919 to the Royalist "one-nation" integralism of 1929; from the quasifederalism of the Serb-Croat Agreement of 1939 to the Stalinist dictatorship of 1945; and, finally, from the postmodernist chaos of Tito's last period—embodied in the Constitution of 1974—to the doomed attempt of his successors to keep the show on the road amidst the collapse of communism and the emergence of "benevolent global hegemony."

From the outset, the issue of Serb-Croat relations was at the core of the Yugoslav problem. The act of unification in 1918, and the decades that followed, drove the final wedge between the two nations "separated by the same language." Serb-Croat relations would have remained ambivalent but tractable had the two peoples not been forced to live under the same roof; they would not have been any worse than they are today.

On December 1, 1918, the deputies from Croatia's and Slovenia's assemblies in Zagreb and Ljubljana came to Belgrade with the offer of unification to Serbia's Regent Alexander Karadjordjevic. The proclamation of the Kingdom of Serbs, Croats, and Slovenes caught the Allies by surprise. They were prepared to see Serbia expanded into Habsburg areas with large Serb populations, but, until the very end, they were reluctant to dismember Austria-Hungary. Even President Wilson's Fourteen Points originally envisaged "autonomous development" for the dual monarchy's nationalities rather than sovereignty outside its framework. His espousal of the principle of self-determination, however, unleashed competing aspirations among the smaller nations of Central Europe and the Balkans, which gave rise to a host of intractable ethnic conflicts and territorial disputes that remain unresolved.

The legacy of different cultural, political, and religious traditions—most obvious in the case of Serbia and Croatia—was underestimated by Yugoslavia's architects. This legacy, coupled with uneven economic development and the different aspirations of her constituent nations, could not be overcome by a centralist constitution and unitarist slogans. The Yugoslav dilemma was, in essence, a clash between the Jacobin *étatisme*, represented by the predominantly French-educated Serbian political establishment, and the old Habsburg constitutional complexity of historic units, embodied in Croatia's lawyer-politicians. Separatist tendencies produced unabashedly violent brands of Balkan chauvinism. Their most radical expression was the Croatian Ustasa ("insurgent") movement. During the Nazi occupation, its leader, Ante Pavelic, and his followers embarked on an orgy of genocidal violence against the Serbs—a third of the population of the "Independent State of Croatia"—as well as Jews and Gypsies.

In 1945, the victorious communist regime attempted to sweep the bloody legacy of World War II under the rug in the name of (Croat) Marshal Tito's policy of obligatory "brotherhood and unity." Tito's "federalism" was but a misnomer for a grand game of *divide et impera*, in which the salient objective was to carve up the Serbs, over 40 percent of the population, into as many different units as possible. The Montenegrin and Macedonian nations were hastily invented in 1945, and the Muslims of Bosnia were proclaimed a "nation" 15 years later.

Tito's raving voluntarism created a chaotic cauldron that depended on Tito himself to watch over it. The communist Yugoslav federation existed as a permanent mechanism for keeping old passions and animosities on the slow burner, thus providing the ruling clique with legitimacy. When that clique disintegrated after Tito's death in 1980, the pot boiled over.

The most pernicious and—as it turned out—the most permanent legacy of Tito's system concerned the boundaries among the federal units. By recognizing the secessionist republics within those boundaries, the "international community" became a *de facto* combatant in the war of Yugoslav secession. It "mediators" accepted a role that was not only subordinate but squalid. Lord David Owen conceded that Tito's boundaries were arbitrary and should have been redrawn at the time of Yugoslavia's disintegration: "[T]o have stuck unyieldingly to the internal boundaries of the six republics within the former Yugoslavia as being the boundaries for independent states, was a folly far greater than that of premature recognition itself." By intervening in Yugoslavia, Europe turned a dispute into a catastrophe.

The real European catastrophe occurred well before the nightmare of 1939-45, and even before the fatal year of 1914. It took place in the decades when science and progress and the loss of faith left a gaping hole that the nice, civilized bourgeois society could not fill. The birth of Yugoslavia was indicative of a similar malaise. The unification of the South Slavs occurred 50 years too late: The differences had developed too highly for an exercise in *Gleichschaltung* from above to be successful. Nineteenth-century notions of South Slav unity simply did not fit into the realities of 20th-century Europe.

—*Srdja Trifkovic*

OBITER DICTA: We are pleased to announce that, despite the best efforts of David Frum, paleoconservatism continues to thrive and expand in the Northern Illinois region. *Chronicles*' art director **H. Ward Sterett** has triumphed at the polls, winning the post of president of the Village of Roscoe, where he resides with his wife, **Patty**, and their four children. Congratulations to Ward for running a successful campaign. We knew him when . . .

Our poet this month is **Peter R. Hunt**, a widely published essayist and critic who sits on the editorial board of the *Chesterton Review*. His poetry has appeared in various journals and magazines.

Our art this month is provided by **Stan Tumilowicz**, the owner of Stan's Studio in Roscoe, Illinois. Mr. Tumilowicz has designed artwork for various advertising campaigns, and his clients include Kraft, Kelloggs, Sears, Firestone, Arbor Mist, Brachs Candies, and Screech Tires. His illustrations have appeared in the *Chicago Sun-Times*.

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by Thomas Fleming

Men in Black

The U.S. Supreme Court is like one of those dinosaur reconstructions at which children gape when they are taken to a museum. Not only is the Court today an imaginative reconstruction of something that no longer actually exists, it is so huge an institution that few Americans are able to take it in all at once. From one side—the side of people who respect the old republic of Washington and Jefferson—it is a ravening dragon that has devoured the Constitution; walking around to other sides, however, social conservatives, civil-libertarian leftists, and the proponents of vice and big government see a radiant and benign creature that will save them from the evils of democracy.

There is no need to go into detail: Opponents of abortion, not convinced by *Roe* v. *Wade*, still seek redress from the Court that legalized murder; the leftist-"conservative" lawyers at legal think tanks continue to crusade against the tyranny of local government, while the lovers of absolutist bureaucracy, though occasionally foiled by the Court's Republicans, know that, in the long run, the continued growth of government at the expense of people is in the hands of the federal judiciary.

In general, the conservatives' approach to the Court is Sidney Smith's advice to "trust in God and take short views," though, in this case, the "god" is the Republican Party. Elect enough Republicans to Congress and to the White House, and we shall eventually have the Court we want. Perhaps they are right, but, even if they are, it is an argument that undercuts itself. In theory, the competition between the branches and the independence of the Court were supposed to act as a safeguard against tyranny and against violations of the constitutional order. *Roe* v. *Wade*, whatever one thinks of abortion, was bad law and a grotesque usurpation of power. Decades have gone by, and, with every passing year, even the conservatives on the Court have made it clear that overturning *Roe* would be an unthinkable act of revolution. Congressional leftists of both parties have also made it plain that they intend to halt any appointment of a judge who will not unequivocally declare his support for the illegal decision on abortion. Where, then do pro-life conservatives turn for redress? Certainly not to a constitutional system based on the checks and balances exerted by competing branches of the federal government. Instead, they turn to politics. In other words, the Court, which was supposed to be a safeguard against the tyranny of the majority, is now to be rescued by a conservative voting majority (which may well never exist).

The theory of checks and balances was elaborated by Montesquieu (*Spirit of the Laws*, VII.16), who understood but imperfectly the British system. The Framers of the Constitution, in adopting it, also kept their eyes on the reality of the actual British system of their own day, one that gave order and prosperity at the price of corruption and arbitrary rule. Some, no doubt, believed that, by distributing the powers of national government among three branches, they were providing sufficient insurance against the reestablishment of the corrupt system of George III, in which a bribed Parliament, subservient to the king and out of touch with popular sentiment, recklessly provoked the conflict that cost the empire her American colonies. Wiser heads did not.

Those who put their trust in Montesquieu's theory were to be disabused quickly by the realities of human nature. Unless the officers of the three branches are drawn from competing social classes (which do not intermarry), there is little to prevent them from forming a cartel and ruling as they see fit. Near the end of the Roman Republic, a power struggle between the senatorial class and the commercial class resulted in the law courts being reserved to the equestrian order; in the end, however, as Ernst Badian has shown, it was Cicero's policy of *concordia ordinum*—the compact between the rich (the *equites*) and the powerful (the *senatores*)—that prevailed.

The wise men of 1787, as suspicious of the absolutism of an entrenched elite as they were of mob rule (which they called "democracy"), never intended the Supreme Court to hold ultimate or absolute authority over decisions made by all American governments. In constitutional questions, its power was supposed to be largely advisory, and, as the authors of the *Federalist* insisted, Congress would hold the threat of impeachment as insurance against the Court's misbehavior.

Early critics of the Constitution, however, were more suspicious, and they regarded the Court as a potential threat to republican government. A New York pamphleteer (signing himself "Brutus") feared that too few restrictions had been placed on the Court and that, under the principle of equity,

> they will give the sense of every article in the constitution that may from time to time come before them. And in their decisions they will not confine themselves to any fixed or established rules, but will determine according to what appears to them, the reason and spirit of the constitution.

In *Federalist* 81, Hamilton answered, more than a little disingenuously, that

> there is not a syllable in the plan . . . which *directly* empowers the national courts to construe the laws according to the spirit of the constitution, or which gives them any greater latitude in this respect, than may be claimed by the courts of every state.

Mercy Otis Warren (whose brother, James Otis, had sparked the colonists' resistance to the British Admiralty's invasion of property rights) was unhappy with the appellate provision, which would force poor men to travel great distances to trial, a hardship she regarded as "an unwarrantable stretch of power over the liberty, life, and property of the subject through the wide continent of America." A more general fear was that the Court would be in a position to increase its power, and Maryland ratified the Constitution with a number of stipulations, including "That the supreme federal court shall not admit of fictions, to extend its jurisdiction." New York included a similar provision.

George Mason of Virginia was troubled by the apparent power of the federal judiciary to override state courts, and, al-

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though he was answered both by future Chief Justice John Marshall and by Judge Iredell of North Carolina, his fears proved justified. Mason understood that the consequences of making the Court potentially the supreme arbiter of justice in the United States went beyond the judicial branch:

> For if your state judiciaries are not to be trusted with the administration of common justice, and decision of disputes respecting property between man and man, much less ought the state governments to be trusted with the power of legislation.

In the end, federal courts have usurped the power to overrule state legislatures in the most trivial matters.

Even John Marshall—the most dangerous enemy the federal principle had in the early days of the republic—ruled time after time in favor of states' rights (*e.g.*, in *Barron* v. *Baltimore*), and, in *McCulloch* v. *Maryland*, he declared that "no political dreamer was ever wild enough to think of breaking down the lines which separate the states, and of compounding the American people into one common mass." Nonetheless, it was Marshall himself who took the first steps on the Supreme Court's long march to judicial tyranny.

As Hamilton must have foreseen, impeachment turned out to be an unwieldy tool. In 1820, Thomas Jefferson, who had feared the Court from the beginning and had done his best to impeach a justice, described the federal judiciary as

> the subtle core of sappers and miners constantly working under ground to undermine the foundations of our confederated fabric. They are construing our constitution from a coordination of a general and special government to a general and supreme one alone.

The problem, as Jefferson saw it, was that the Constitution, while intending to set up three equal branches, had given the judicial branch "the right to prescribe rules for the government of the others," and—to compound the felony—this power had been given to the unelected branch. Impeachment, he commented, "is not even a scarecrow," and the Constitution was becoming "a mere thing of wax in the hands of the judiciary."

Nonetheless, for all the growth in the power of the national judiciary, there were presidents, such as Jackson and Lincoln, who stood up to the Supreme Court when it got in the way of their ambitions—oppressing, in the former case, the Cherokee and, in the latter, the South. By the middle of the 20th century, however, an equally strong president, Franklin Roosevelt, had to back down from a contest with the Court. Such contests between the branches—including the Watergate episode of the 1970's—are all too rare, and the Supreme Court has been able to increase its powers steadily by cooperating, rather than fighting, with Congress, and, by the 1960's, the Court was able to intrude into every nook and cranny of American life. The device used in recent times has been a selective reinterpretation of the 14th Amendment (selective, because the Incorporation Doctrine is hardly ever applied to the Second Amendment), but, on other occasions, the Commerce Clause has provided the justification.

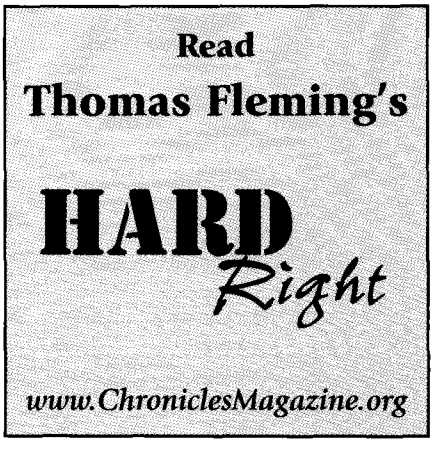
Thus, here we are, 200 years after Marshall's devious decision in *Marbury* v. *Madison*, in which he gave Jefferson what he wanted but at the expense of assuming the power to decide the question. We are now in the unenviable position of being the only country in the civilized world that entrusts the most momentous decisions to judges, who are appointed for life and immune from the concerns of ordinary citizens, and allows nine men and women to make up the law as they go along and to demand compliance with decisions that are clear violations of the Constitution. Pragmatists in search of a solution to affirmative action or intrusive hate-speech laws simply shrug their shoulders. Times have changed, and we have to deal with the reality.

The reality, however, is that the entire American order rests on the great compromises made at the Constitutional Convention of 1789. The American system, the American way of life, American success all go back to the federal principle that was seen by the Framers as the only escape from the historical fact that all large states, if they succeed, turn into empires that feed on the liberties of their citizens. Unlike the division of government powers into three branches or the important freedoms of speech, religion, and due process guaranteed by the Bill of Rights, federalism is something more than a desirable feature of our system; it is the principle that gives legitimacy to the entire system.

In a monarchy, legitimacy is based on the crown and on the lawful succession of monarchs; in a republican aristocracy (such as Venice or the Roman republic), legitimacy resides in the institutions (such as the Senate) that frame consensus and make decisions; in a party state like the Soviet Union, legitimacy depends on the party and its ideology. To undermine the federal principle, as the liberals on the Court and civil-libertarian lawyers have done, is to attack the legitimacy of the American system at its heart.

The significance of legitimacy is not well appreciated these days. A legitimate government rules according to the laws and customs of the people, who may not always like the decisions made by this king or that president but who acquiesce because they accept the authority even of a ruler they detest. Pro-life Christians in Europe, who accept the legitimacy of the governments of Germany or France, do not like the abortion laws (rather strict in comparison with our own) passed by democratically elected governments, but they do not feel themselves engaged in a moral war. Some Americans, however, realizing that abortion-on-demand was imposed by a Court that circumvented our democratic process, have begun to question the legitimacy of the regime. Whether they are right to do so is a question for debate, but what cannot be denied is that the only alternative to legitimacy—and, in America, legitimacy includes the rights of the states to pass their own homicide laws—is arbitrary rule.

George III never dreamed of having the arbitrary power of these nine senior citizens in black robes, and the long road back to responsible republican government runs right through Supreme Court justices' unilateral decision to make themselves the unchallenged rulers over the lives of our people. C



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On Visiting Culloden Field

by Peter R. Hunt

I have trod where clansmen died, and felt
The icy wind and snow across the moor,
But being alien I cannot tell
The pain and grief among the Highland poor.

Oh, did I hear a baby cry and women
Call for aid, with husbands lying still
And deaf on blood-soaked earth, their kilts and shields
A tangled heap, and with no grave to fill?

For almost sixty years the Highland blood
Had flowed, and battle-scars and sacrifice
Were what the sons of Jacobites had come
To see as their own heritage, the price

They paid for ancient rights and Scottish kings,
Until at last it seemed the flag they bore
Would restore the Stuarts to both realms
And bind the wounds and heal the scars of war.

The Stuart dream and all the Highland blood
Had come to this, and all the old desire
Seemed quenched, as terror swept across the land
To smother any spark of Highland fire.

But memories are strong through time and change
Move on, and tired old trees can shed, before
They die, their seeds in soil enriched by blood,
And all their early, gallant green restore.

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by Philip Jenkins

Goodbye, Senator McCarthy

Hold on, let me make sure my word processor is in full Cliché Mode: "The specter of Senator McCarthy walks again in contemporary America." Yes, that seems to be working properly.

Particularly over the past couple of years, we've heard a great deal about McCarthy and McCarthyism. The name surfaces whenever a government agency identifies an individual or group as potentially subversive or tied to terrorism or, indeed, whenever one suggests that a militant group has unsavory connections. Over the past few months, many Americans have expressed powerful opposition to the war against Iraq, a stance on which reasonable people can disagree. However, one major organization involved in orchestrating antiwar demonstrations has been an affiliate of the Workers World Party, a kooky sect that idolizes the dictatorial regimes of Iraq and North Korea. If you point out this connection, however, and recommend that moderates should stay far away from these troubling characters, you will face an immediate rhetorical response: You are a red-baiting McCarthyite!

Somewhere along the line, the word *McCarthyism* was curiously transformed to include virtually any criticism of extremist movements, especially those on the left. Not for a second do I want to defend the memory of the late senator from Wisconsin, who was a liar and a jerk of the first order, but I'd like to see him commemorated accurately.

The problem is one of reading American history. In the 1940's, the Communist Party was a powerful force in large sections of American life. It was well entrenched in labor unions and ethnic organizations, in the mass media, and in the civil-rights movement. Largely through their union connections, communists, overt or covert, represented a real presence in the Democratic Party.

This activity would not have been alarming in itself if not for abundant evidence that the party was inextricably tied to the government of the Soviet Union, a nation with which the United States was likely to find itself at war. After the experience of World War II, it was certain that both nations would use clandestine forces on enemy soil, on the successful model employed against the Axis by the American OSS and British Special Operations Executive. America's communists looked very plausibly like such a potential fifth column, and recent explorations of Soviet archives confirm the accuracy of this perception. If we today thought that sympathizers of Al Qaeda and Hezbollah operated networks of secret cells throughout American cities, military bases, and communications centers, we would obviously be worried and would demand some official response.

Against this background, it made excellent sense in the late 1940's to identify and remove communist supporters in diplomatic, military, or industrial settings, and that was the course pursued by the White House, then headed, of course, by Democrat Harry S. Truman. Most of this anticommunist movement was fully accomplished by 1950, which is when Senator McCarthy launched his campaign of name-calling, accusations, and smears—what we have come to think of as witch-hunting. In other words, a vital and necessary internal-security campaign was followed by several years of hysterical insanity, which did little good in exposing communists but actively discredited the anticommunist movement.

When we use the word *McCarthyism*, we should always remember what the term meant when it was coined during the 1950's. It was an irresponsible and dangerous tactic characterized by vague and unsubstantiated accusations for political ends; the exploitation of hysterical public fears; the reckless persecution of innocent or relatively harmless dissidents; and the practice of identifying loose connections between suspected individuals in order to construct "a conspiracy so immense." McCarthyism did not, in these years, refer to the use of intrusive or inquisitorial means to discover and root out genuine communists or subversives, potential spies and saboteurs, a process that had received a broad bipartisan consensus for several years before Senator McCarthy himself became a figure of national consequence. The distinction is crucial: McCarthyism was hysterical extremism, while the red scare arose from the political mainstream.

These distinctions need to be drawn because *McCarthyism* has since mutated to identify—and to condemn—virtually any attempt to identify subversives, no matter how authentic a danger they pose. According to the modern historical distortion, "McCarthyism" raged from 1946 through the 50's and was to blame every time any official action was taken against any left-wing activist.

Just why the term expanded is an interesting political question. Since most commentators agreed that McCarthyism was evil, it became rhetorically useful for the left to apply this label to all actions taken against them over the years. But Democrats and moderate Republicans also stood to benefit, although they themselves had launched and supported the internal-security movement of the 1940's. Identifying the whole anticommunist movement as McCarthyism allowed the campaign to be depoliticized, to be seen not as a social or political movement in which both parties had been involved but as the criminal ambition of one dubious character and the band of irresponsible adventurers around him. Once the senator was discredited, his political eclipse served to bury the worst extremes of the previous decade, which, henceforward, were conventionally associated with him.

Whatever the political context, the result is that *McCarthyism* has become an all-purpose term to discredit any reasonable concern with internal security or domestic intelligence-gathering, even when all sane people recognize that some activity like this is entirely necessary. You want to trace Arab men learning to pilot Boeing 757s but not wanting to bother to land? Why, you must be a McCarthyite!

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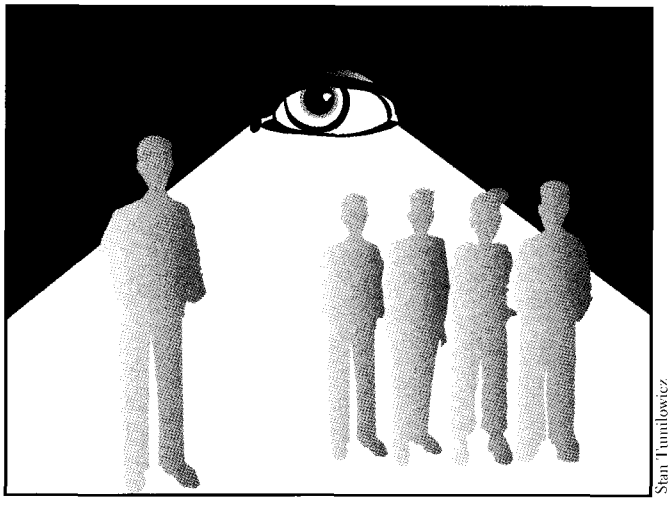
Losing Federalism

When Did It Begin?

by Donald W. Livingston



Human liberty has two distinguishable but inseparable dimensions: the liberty of the individual to act according to his own reason and the corporate liberty of a moral community to pursue a vision of the good lived out in institutions and traditions that bind generations. These two dimensions are necessarily in tension. The individual's autonomy can always transcend the current dictates of the community. Yet autonomy is not meaningful without the authority of an inherited culture through which it can be exercised.

Liberalisms of various kinds are inclined to see only the individual, abstracted from his moral community, as real. The task of politics, however, is to provide a system of legal protection for the liberty of the individual *and* for the corporate liberty of a valuable way of life uniting generations.

American federalism seemed the perfect solution to this timeless problem of politics. The states, as sovereign political societies, created a central government, endowing it with only enumerated powers, the most substantial of which were providing defense, making foreign treaties, and regulating commerce among the states. What was not delegated to the central government or necessarily implied in the delegated powers was reserved to the states. Individual liberty was protected both by the state constitutions and by federal authority, which created a vast free-trade zone among the states in which individuals were free to move. The states themselves, however, were the sole legal instruments for protecting a valuable way of life. What did they need protection from? The very central government they had created! The Bill of Rights was insisted upon not to protect individuals but to protect the corporate liberty of the states as distinct political societies. The First Amendment, which prohibits Congress from establishing a religion, was intended, among other things, to provide legal protection for the tax-supported churches still retained by some of the states.

American federalism was to be—and, in fact, long was—a rich mosaic of distinct political societies. If an individual found one of these societies and its laws oppressive, he could move to another. Local and regional economies flourished, and crossing into another state was often an adventure. Today, the states have been reduced to little more than administrative units of the central government. Cultural and moral distinctiveness has been flattened along with local and regional economic independence. The sterile, oversized, stainless-steel-and-glass office buildings that have become symbols of American cities and of the centralized managerial American state are faithful reflections of the abstract public soul of Americans. Only in private imagination and in private associations is an alternative vision of the moral life preserved.

The darkest warnings of the Antifederalists concerning what would happen to the political societies of the states if they joined the Union have been realized—and much more. How are we to understand this revolution? Many point to the Supreme Court as the main culprit. Through its expansive reading of the Commerce Clause, the Court has privileged economic centralization over local and regional economies and, in so doing, has rigged the rules to favor political centralization. And through perverse readings of the 14th Amendment, it has usurped powers reserved to the states and local communities under the Ninth and Tenth Amendments. Federal judges regulate law enforcement, voting criteria, and redraw voting districts without regard to the communities within them. They regulate morals, speech, welfare, and the public place of religion. To achieve abstract egalitarian goals, federal judges have coerced private contracts of all kinds; have forced children to at-

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tend schools out of their neighborhoods; and have ordered communities to raise taxes—something only the legislature can do—to meet social policies favored by the courts. Federal judges strike down state referenda and amendments to state constitutions that do not reflect their public-policy goals. They have even bothered themselves with the architecture and interior decorating of the school buildings they have ordered built and have regulated public-school dress codes and the length of students' hair.

Notwithstanding these absurdities, however, it would be a mistake to see the Supreme Court as the cause of federalism's demise. It is merely a symptom. The Court can do nothing without the support of Congress and the president. Blaming the Court encourages the illusion that, if only the Court could be reformed, federalism would be restored. But federalism is not a *legal* gift of the Court; it is a *political* gift of the states themselves. What the Court can give by a vote of five to four, it can take away by the same vote. The central government was created by political actions of the states and can only be restored by corporate state action.

There was a time when states were jealous of their corporate liberty and took action to protect their citizens from usurpations of the central government. James Madison, in the Virginia Resolutions (1798), argued that a state—being a sovereign party to the constitutional compact—had the authority and *duty* to "interpose" in order to block an unconstitutional act of the central government. Thomas Jefferson, in the Kentucky Resolutions (1799), went further and declared that a state had the authority to "nullify" an unconstitutional act of the central government. The case of *Chisholm* v. *Georgia* (1793) affords an example of how state-centered federalism was supposed to work. The Supreme Court ruled in favor of the plaintiff, who had sued Georgia over a bond issued before the Revolution. Georgia nullified the decision, arguing that, as a sovereign state, it could not be sued without its permission. The Georgia House of Representatives went so far as to pass a bill declaring that any federal agent attempting to enforce the Court's order would be "guilty of felony and shall suffer death, without benefit of clergy by being hanged." Jefferson also held that an unconstitutional act of Congress should be thought of as the act of a "foreign legislature" and "an act of treason against the State," punishable by death. Other states did not deny Georgia's nullification of this absurd act of the Supreme Court. Indeed, they agreed with Georgia and immediately put forth the 11th Amendment, which declared that an individual cannot sue a state without its permission.

From shortly after the first Congress met in 1789 down to 1860, states in every section of the Union frequently interposed and nullified what they judged to be unconstitutional acts of the central government.

A striking example of how state-centered federalism worked is found in the reaction to the deeply contested Article 25 of the Judiciary Act of 1789, which gives the Supreme Court appellate jurisdiction over cases in which state laws are declared unconstitutional. From the beginning, a number of states held the law to be unconstitutional. The Virginia Supreme Court heard arguments for six days and concluded, in December 1814, that Article 25 was unconstitutional. In 1830, the governor and legislature of Georgia also nullified it. President Jackson supported the state and worked to repeal the act. In 1854, the California Supreme Court nullified the act, as did the Ohio Supreme Court in 1856. The Wisconsin Supreme Court nullified it in 1854 and continued to do so up to the War Between the States. Thus, from 1789 to 1860, the constitutionality of Article 25 of the Judiciary Act was disputed, with the sovereign states themselves forming authoritative judgments on the matter in an effort to reach a true constitutional consensus. That this process was taking a long time is exactly what we would expect of a federal system based on the consent of the peoples of distinct political societies on a continental scale.

During the first 70 years of its existence, the central government was kept within the bounds of its enumerated powers largely by state interposition and nullification. After Jefferson was elected in 1800—save during the War of 1812—the central government was restrained from imposing inland taxes and had to content itself with living off tariffs and land sales, which were more than sufficient for its enumerated powers. The freedom the states enjoyed under federalism was not lost by the secession of the Southern states, for that would have enhanced the liberty of states and individuals by creating a competing jurisdiction in the form of a second union. In just this way, liberty was enhanced by the peaceful secession of 15 states from the Soviet Union, which was 70 years old when it was dissolved—exactly the same age as the American Union in 1860.

Federalism's decline began with Lincoln's doctrine that the states were not and had never been sovereign political societies. They were creatures of the central authority of the Union and, thus, could not secede. Though historically absurd, this doctrine was seared into the national consciousness by war and conquest. Interposition and nullification lost their authority as instruments of civil resistance to centralization. From then on, the only question would be *which* agency of the central government would take *what* role in the protracted project (a disposition of all modern states) of centralizing power.

Lincoln took the lead, expanding the powers of the presidency through force by raising money and troops illegally. He rounded up thousands of political prisoners by suspending the writ of *habeas corpus*, and he ordered the arrest of the Chief Justice of the Supreme Court when the latter declared this action unconstitutional. After Lincoln's death, however, it was Congress's turn to usurp power by using the military to impose the 14th Amendment by force.

On Lincoln's theory that the Union is indivisible, no state had, or could have, seceded. The war was about putting down *insurrectionists* who had seized state governments. Once the pirates were removed—so Lincoln's theory went—and loyal unionists put in control, representatives of the Southern states would be seated in Congress. It is essential to the legitimacy of a unitary American state to insist on this historically and legally absurd theory because, as Chief Justice Salmon Chase would rule in *Texas* v. *White* (1869), if it were acknowledged that a state *had* seceded, the invasion would have been an unjust war of conquest. Accordingly, governments conditioned by loyalty oaths were established—a few shaped by Lincoln himself—and Southern states were included in the votes necessary to ratify the 13th Amendment, abolishing slavery.

The 14th Amendment, however, was a different matter. It reserved to the central government the power to determine who would be a citizen of a state and further declared that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the

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equal protection of the laws." It seemed to many that this latitudinous language could be broadly construed to consolidate all important powers in the center and, thus, destroy the states as genuine political societies, though the framers of the amendment insisted this was not their intention.

The bill proposing the amendment was introduced in a rump Congress that refused to accept representatives from the Southern states—in violation of the Constitution, which guarantees representation to each state. The bill passed the House, but a straw vote showed it would fail in the Senate. Congress voted to unseat an outspoken critic of the amendment, Sen. John P. Stockton of New Jersey, even though he had been duly elected and legally seated by the Senate. The Constitution requires a two-thirds majority to unseat a senator. The vote, however, passed by a simple majority of one. He was, nevertheless, unseated. In this dark way, the bill was sent to the states for ratification.

There were 36 states, so it would take ten states to block ratification. Ten Southern states voted against the amendment, as did Maryland, Kentucky, Delaware, and California. Congress was undaunted and passed the Reconstruction Act on March 2, 1867, which declared that "no legal state governments" existed in the Southern states that had refused to ratify, despite the fact that no change had occurred in these state governments, which had been included by Congress in the number of states necessary to ratify the 13th Amendment!

The South was placed under military commanders who were to disfranchise most Southerners who had supported the Confederacy; these were to vote on a constitutional convention, ratify a new constitution enfranchising blacks, and ratify the 14th Amendment. The bill passed, despite President Johnson's veto.

When Southerners appealed to the Supreme Court for relief, the Court claimed that it had jurisdiction only over rights of persons and property, not over the political rights of the states. On another occasion, when confiscation of property was made the basis of a suit, Congress passed a bill removing the Court's jurisdiction over the Reconstruction Acts. Weary of military rule, and fearing the draconian threats of members of Congress to confiscate property—beyond the massive confiscations already under way—the Southern states "ratified" the 14th Amendment. Without the Southern states, the ratification would have failed. However, the "ratification" was not valid, because the votes taken were not acts of legal governments—by the express declaration of the Reconstruction Acts!

There were many other legal irregularities surrounding the 14th Amendment. Ohio and New Jersey rescinded their ratifications while other states were still considering the amendment. Oregon later rescinded its ratification. Congress, however, refused to accept rescissions. West Virginia was illegally carved out of Virginia, and Nebraska did not have the required number of people for representation in Congress.

Through brute force, the Lincoln administration and the radical Republican Congress opened the floodgates that held back the waters of centralization. During the early 20th century, it was the Supreme Court's turn to lend its hand to the protracted work of centralization. Through the Incorporation Doctrine, the Court so broadly construed the 14th Amendment as to turn the Bill of Rights on its head. Instead of protecting the corporate liberty of the states from the central government, the Bill of Rights would now protect the *sovereign individual* from the political societies of the states.

This had two baneful consequences. First, when the shape of the public sphere began to be determined by federal judges, politics and civic virtue started to dry up. Americans have become so accustomed to this regime of legalism that they wait breathlessly to see what new shape the Supreme Court will give to their public sphere. Much of the entertainment on television consists of court dramas, real and fictional. The heroes of the managerial state are lawyers, and the clergy of liberalism are federal judges.

Second, taking social policy out of the realm of politics and transmuting it into constitutional rights has led to civil discord. If I am outvoted on a question of social policy, my position remains in the public realm as a legitimate minority opinion to be pursued on another day. If the question has been transmuted into a matter of constitutional right, however, my position suddenly becomes *illegitimate*. To insist on it is to invade your constitutional rights, thereby provoking a constitutional crisis. The Supreme Court's adventure in social engineering has played a major role in wrecking the social fabric of America and perpetuating a condition of chronic civil discord.

Legal scholars, such as Raoul Berger in *Government by Judiciary*, have shown conclusively that the framers of the 14th Amendment meant only to extend basic civil rights to freed blacks, not to overturn federalism. But so what? No agency of the central government has an interest in enforcing a reversal of usurped power to states and local communities. The people themselves must *recall* those powers. What Americans must now acknowledge openly—and what some law professors are already saying—is that the Constitution, as a federal instrument preserving the corporate liberty of states and local communities, no longer exists. If the people wish to restore constitutional government, they will need to frame a new constitution, one that will limit the central government to jurisdiction only over delegated federal powers and provide—as Madison and Jefferson urged—some sort of veto by the states to protect against inevitable usurpations by the central government.

At present, the only veto the states have is the right to vote on calling a constitutional convention of the states. The convention must be called by Congress, however, which could refuse to do so on the ground of some legal sophistry or manipulate the agenda to render it ineffective. There is no reason to think that a contemporary Congress would not be as arbitrary and violent as the rump Reconstruction Congress was. That is why, in these pages, William Quirk once proposed a constitutional provision that would allow any state to initiate a constitutional amendment that, when ratified by three fourths of the states, would automatically become part of the Constitution.

The Confederate Constitution, which was designed explicitly to limit the centralization of power, allowed any *three* states to initiate and compel a vote on a constitutional amendment. This provision was intimated in Madison's doctrine of state interposition and in Jefferson's doctrine of state nullification. Had it been in effect, at least three states would surely have challenged the Supreme Court's fantastic readings of the 14th Amendment regarding school prayer, abortion, and a host of other powers reserved to the states and local communities. Indeed, the mere threat of such a state constitutional initiative would have put a brake on the Court's arrogance—itself a reflection of the arbitrariness and violence of the 14th Amendment's origin. The fires being kindled today for Confederate symbols are consuming one of the most important historic ties to the federative republicanism of the Founding Fathers.

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Marbury v. *Madison*

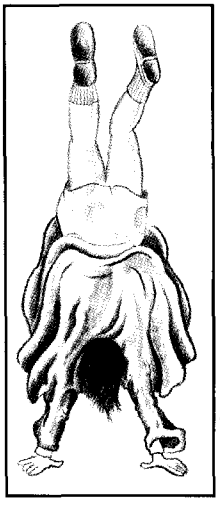
The Beginning of Sorrows

by Marshall DeRosa

The impact of judicial review has been profound and often detrimental to the rule of law in America. Judicial review is the power of the courts to void federal, state, and local laws and ordinances that they have determined to be incompatible with the U.S. Constitution. Certainly, national and state legislatures have passed laws that have been unconstitutional. Determining the constitutionality of a law has frequently been a tortured process, and it would be naive to imagine that courts generally, and the U.S. Supreme Court specifically, have responsibly exercised the power of judicial review. The nomenclature of strict construction, loose construction, interpretivism, noninterpretivism, originalism, nonoriginalism, *etc.*, makes it clear that there are a variety of ways to construe the Constitution. Justices and judges not only must decide upon a jurisprudence but must contend with internal and external political circumstances, such as the ideological divisions within a court that is dealing with a particular case; ideological divisions between different courts (*e.g.*, Justice Brown's precedent regarding separate-but-equal, established in *Plessy* v. *Ferguson* (1896), was a serious problem for Chief Justice Warren in *Brown* v. *Board of Education* (1954)); and the way in which their decisions and actions will be received by other institutions of the government, academia, and the public.

The credibility of the Supreme Court as an impartial institution would be jeopardized if ideologically driven jurisprudence were in plain view. Thus, justices obscure their ideologies by auspiciously grounding judicial review in the Constitution. Nevertheless, when justices adamantly reject the reasoning of their brethren in a particular case, or when a later court rejects the precedent established by a previous court, one or the other must be more or less grounded in the Constitution. Diametrically opposed positions cannot both be correct. Moreover, the rationale that the Constitution is a living document that is capable of adapting to new circumstances is fallacious. If that were so, the amendment process in Article V of the Constitution would be superfluous, and so-called fundamental rights, circumstantially tenuous.

No serious student of the Supreme Court, however, would deny that it has fundamentally transformed the Constitution and, specifically, American federalism. On occasion, the courts have admirably exercised judicial review to limit the national government when its laws exceeded constitutional limits. Nevertheless, the overall impact of judicial review has been nationalistic, legitimating the expansion of the national government



Stan Tumilowicz

when it should have restricted it and delegitimating state public-policy prerogatives when it should have legitimated them. The corpus of U.S. Supreme Court case law makes this clear.

In *Hammer* v. *Dagenhart* (1918), the Court declared the Keating-Owen Child Labor Act (1916) unconstitutional. The act, based on Article I, Section 8 (the Commerce Clause), prohibited the shipment of the products of child labor among states. In the Court's opinion, Justice William R. Day voided the statute on Article I, Section 8 and Tenth Amendment grounds. He maintained:

> In interpreting the Constitution it must never be forgotten that the nation is made up of States to which are entrusted the powers of local government. And to them and to the people the powers not expressly delegated to the national government are reserved. . . . [I]f Congress can thus regulate matters entrusted to local authority by prohibition of the movement of commodities in interstate commerce, all freedom of commerce will be at an end, and the power of the States over local matters may be eliminated, and thus our system of government destroyed.

In contrast, *United States* v. *Darby* (1941) established a new precedent. In deciding the constitutionality of the Fair Labor Standards Act (1938), Justice Harlan Fiske Stone ruled:

> *Hammer* v. *Dagenhart* was a departure from the principles which have prevailed in the interpretation of the commerce clause. . . . It should be and is now overruled. . . . Congress, having by the present Act adopted the policy of excluding from interstate commerce all goods produced for the commerce which do not conform to the specified labor standards, it may choose the means rea-

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> sonably adapted to the attainment of the permitted end, even though they involve control of intrastate activities.

More recently, in *United States* v. *Lopez* (1995) the Court did declare unconstitutional the Gun-Free School Zones Act of 1990, in a 5-4 decision. The dissenters, however, agreed with the Clinton administration that a gun in a school zone might result in violent crime that impacts the national economy in several ways: First, there is the cost of violent crime; second, guns in school zones make people unwilling to travel to such "unsafe" areas; third, an unsafe school area threatens the learning environment; and fourth, a diminished educational process results in a less-productive citizenry, which negatively impacts the "Nation's economic well-being." And, even though dissenting Justice Breyer argued that the acceptance of the government's argument would not authorize a general national police power, he was, according to Chief Justice Rehnquist, "unable to identify any activity that the States may regulate but Congress may not." In his dissent, Justice Souter argued that "a holding that the [Gun-Free School Zones Act] falls within the commerce power would not expand the scope of that clause. Rather, it would simply apply pre-existing law to changing economic circumstances." In other words, the four dissenters *were* prepared to grant to the national government general police powers—*i.e.*, the power to regulate the health, safety, and morals of the American people.

The magnitude of this power is the very reason it is not to be found in the U.S. Constitution. The Framers would never have conferred on lifetime-tenured justices and judges the power to trump state-based popular control in the pursuit of national policy objectives. The overwhelming majority of the Framers loathed the sort of centralized unaccountable power that Supreme Court judicial review has become. This tremendous public-policy power places a chill over just about every conceivable public-policy issue. The argument that the chill emanates from the U.S. Constitution itself is only half correct. In *Marbury* v. *Madison*, Chief Justice John Marshall articulates the correct half when he argues that the written U.S. Constitution is designed to control "any legislative act repugnant to it." But by what constitutional authority is it, in Marshall's words, "emphatically, the province and duty of the judicial department, to say what the law is"? To answer that, we must consider the fundamental foundation upon which legitimate judicial review was supposed to be placed: the consensual union of the states.

When Chief Justice Marshall wrote the opinion for *Marbury* v. *Madison* in 1803, he provoked a Jeffersonian political backlash against the Federalist-dominated Court that resulted in acrimonious criticisms of the institution, the justices, and even impeachment proceedings against Justice Samuel Chase (a first strike against the Chief Justice). Nevertheless, the precedent was set, and Marshall placed in the Court's arsenal a highly effective weapon against popular control or, more specifically, states' rights. That states' rights was the real focus of Marshall's jurisprudence is made clear by the quantity and thrust of his opinions attacking state laws. Nevertheless, when *Marbury* was decided, other strong bulwarks against centralization were still in place, so the states were still relatively secure. They still had nullification, interposition, and secession as options. National judicial supremacy over state courts was not decided in civil cases until 1819 (*Martin* v. *Hunter*) and in criminal cases until 1821 (*Cohens* v. *Virginia*). Selective incorporation of the Bill of Rights was, for the most part, rejected until 1925 (*Gitlow* v. *New York*).

Once states' bulwarks were dismantled by the Court, exercising a general national police power became much more probable. However, at the hands of conservative chief justices—Melville Fuller (1888-1910), Edward White (1910-21), and William Howard Taft (1921-30)—constitutional construction was utilized to obstruct progressive responses to pressing economic and social problems. By the 1920's, a significant academic consensus held that the Court's role needed to be reformulated. Instead of asking what was constitutionally permissible, much of the scholarship stressed what was considered to be socially and politically imperative and asked how judicial review could be utilized to address what were believed to be pressing public-policy challenges.

There was mounting pressure for change. In 1908, Louis Brandeis called for a "judicial awakening to the facts of life." He bemoaned the fact that "In the course of a relatively few years hundreds of statutes which embodied attempts (often crude) to adjust legal rights to the demands of social justice were nullified by the courts, on grounds that the statutes violated the constitutional guaranties of liberty and property."

Roscoe Pound, for example, called for a "new judicial creed," in which the U.S. and state constitutions were to be functional instruments in the hands of judges. He advocated an "engineering interpretation" of law and categorized jurisprudence into three schools: the historical, analytical, and philosophical. The philosophical school held the keys to a brighter future: "Today we are seeing the beginning of a reaction from the juristic pessimism of the historical school and the juristic inertia of the later generations of the analytical school. The pressure of new and unsecured interests, of new and insistent human claims, is compelling us to revise our juristic creeds." Pound encouraged the courts generally, and the U.S. Supreme Court specifically, to assume a pivotal role in the "machinery of social control or social engineering . . . consciously and avowedly as befits the science of today."

In a 1932 address before the New York State Bar Association, Justice Benjamin N. Cardozo acknowledged the debt owed to Chief Justice Marshall's early precedent-setting cases. He told his audience,

> The emergent evolution of a formula into a precept is determined by its dimensions, spatial and temporal. . . . Considerations of space and time affect the capacity of the formula to shape the law thereafter. . . . We misread history in a most unrealistic fashion if we say that the seeds of generations of later judgments were not in Gibbons v. Ogden (1824) and McCulloch v. Maryland (1819).

Both of those landmark cases laid the groundwork for extensive expansion of congressional commerce powers. However, Justice Cardozo misread history in a most unrealistic fashion if he failed to see the seeds of *McCulloch* v. *Maryland*, *Gibbons* v. *Ogden*, and every subsequent case in *Marbury* v. *Madison*.

On the bicentennial of this landmark decision, it is important for us to ponder the extent to which judicial review has impacted the rule of law. In light of the flip-flops and fluidity of U.S. Supreme Court case law, the rule of law has been converted to the rule of the men and women who dominate the national government. Without a viable American federalism, there can be no rule of law. Such is the legacy of *Marbury* v. *Madison*. c

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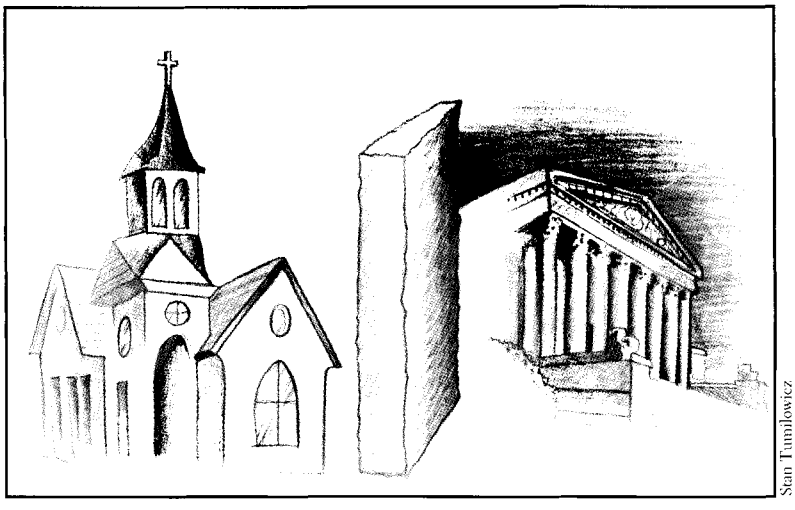
How Thomas Jefferson's "Wall of Separation" Redefined Church-State Law and Policy

by Daniel L. Dreisbach



No metaphor in American letters has had a greater influence on law and policy than Thomas Jefferson's "wall of separation between Church and State." Many Americans accept it as a pithy description of the constitutionally prescribed Church-State arrangement, and it has become the *locus classicus* of the notion that the First Amendment separated religion and the civil state, thereby mandating a strictly secular polity.

More important, the judiciary has embraced this figurative phrase as a virtual rule of constitutional law and as the organizing theme of Church-State jurisprudence, even though the metaphor is not found in the Constitution. Writing for the U.S. Supreme Court in 1948, Justice Hugo L. Black asserted that the justices had "agreed that the First Amendment's language, properly interpreted, had erected a wall of separation between Church and State." Our democracy is threatened, Justice John Paul Stevens warned last term, "[w]henever we remove a brick from the wall that was designed to separate religion and government."

What is the source of this figure of speech, and how has this symbol of strict separation between religion and public life come to dominate Church-State law and policy? I address these questions in my new book, *Thomas Jefferson and the Wall of Separation Between Church and State* (2002).

On New Year's Day, 1802, President Jefferson penned a missive to the Baptist Association of Danbury, Connecticut. The Baptists had written the new President a fan letter in October 1801, congratulating him on his election to the "chief Magistracy in the United States." They celebrated his zealous advocacy for religious liberty and chastised those who had criticized him "as an enemy of religion[,] Law & good order."

In 1800, Jefferson's Federalist Party opponents, led by John Adams, dominated New England politics, and the Congregationalist Church was still legally established in Connecticut. The Danbury Baptists were outsiders—a beleaguered religious and political minority in a state where a Congregationalist-Federalist establishment dominated public life. They were drawn to Jefferson's political cause because of his unflagging commitment to religious liberty.

In a carefully crafted reply endorsing the persecuted Baptists' aspirations for religious liberty, the President wrote:

> Believing with you that religion is a matter which lies solely between Man & his God, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, & not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between Church & State.

The missive was written in the wake of the bitter presidential contest of 1800. Candidate Jefferson's religion, or the alleged lack thereof, was a critical issue in the campaign. His Federalist foes vilified him as an "infidel" and "atheist." The campaign rhetoric was so vitriolic that, when news of Jefferson's election swept across the country, housewives in New England were seen burying family Bibles in their gardens or hiding them in wells because they fully expected the Holy Scriptures to be confiscated and burned by the new administration in Washington. (These fears resonated with Americans who had received

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alarming reports of the French Revolution, which Jefferson was said to support, and the widespread desecration of religious sanctuaries and symbols in France.) The Danbury letter was written to reassure pious Baptist constituents of Jefferson's continuing commitment to their rights of conscience and to strike back at the Federalist-Congregationalist establishment in Connecticut for shamelessly vilifying him in the recent campaign.

Jefferson's wall, according to conventional wisdom, represents a universal principle on the prudential and constitutional relationship between religion and the civil state. To the contrary, this wall had less to do with the separation between religion and *all* civil government than with the separation between federal and state governments on matters pertaining to religion (such as official proclamations of days of prayer, fasting, and thanksgiving). The "wall of separation" was a metaphoric construction of the First Amendment, which Jefferson time and again said imposed its restrictions on the federal government only (see, for example, Jefferson's 1798 draft of the Kentucky Resolutions). In other words, the wall separated the federal regime on one side from state governments and religious authorities on the other.

How did this wall, limited in its jurisdictional application, come to exert such enormous influence on American jurisprudence? The political principle of separation between religion and politics began to gain currency among Jeffersonian partisans in the campaign of 1800, not to promote liberty but to silence the Federalist clergy who had denounced candidate Jefferson as an infidel and atheist. In the Danbury letter, Jefferson deftly transformed the political principle into the constitutional principle of separation between Church and State by equating the language of separation with the text of the First Amendment. The constitutional principle was eventually elevated to constitutional law by the Supreme Court in the mid-20th century, effectively recreating First Amendment doctrine.

By late January 1802, printed copies of Jefferson's reply to the Danbury Baptists began appearing in New England newspapers. The letter, however, was not accessible to a wide audience until it was reprinted in the first major collection of Jefferson's papers, published in the mid-19th century.

The phrase "wall of separation" entered the lexicon of American constitutional law in the U.S. Supreme Court's ruling in *Reynolds* v. *United States* (1879). Opining that the missive "may be accepted almost as an authoritative declaration of the scope and effect of the [First A]mendment thus secured," the Court reprinted a flawed transcription of the Danbury letter. Most scholars agree that the wall metaphor played no role in the Court's decision. Chief Justice Morrison R. Waite, who authored the opinion, was drawn to another clause in Jefferson's text, but he could not edit the letter artfully to leave out the figurative phrase. The Chief Justice relied on Jefferson's statement that the powers of civil government could reach men's actions only, not their opinions. The *Reynolds* Court was focused on the legislative powers of Congress to criminalize the Mormon practice of polygamy and was apparently drawn to this passage because of the mistranscription of "legitimate powers" as "legislative powers." But for this erroneous transcription, the Court might have had little or no interest in the Danbury letter, and the wall metaphor might not have entered the American legal lexicon.

Nearly seven decades later, in the landmark case of *Everson* v. *Board of Education* (1947), the Supreme Court "rediscovered" the metaphor and elevated it to constitutional doctrine. Citing no source or authority other than *Reynolds*, Justice Hugo L. Black, writing for the majority, invoked the Danbury letter's "wall of separation" passage in support of his strict separationist construction of the First Amendment prohibition on laws "respecting an establishment of religion." "In the words of Jefferson," the Court famously declared, the First Amendment has erected "'a wall of separation between church and State'. . . . That wall must be kept high and impregnable. We could not approve the slightest breach." Like *Reynolds*, the *Everson* ruling was replete with references to history, especially the roles played by Jefferson and Madison in the Virginia disestablishment struggles. Jefferson was depicted as a leading architect of the First Amendment, despite the fact that he was in France when the measure was drafted by the First Federal Congress in 1789.

Black and his judicial brethren also encountered the metaphor in briefs filed in *Everson*. In a lengthy discussion of history supporting the proposition that "separation of church and state is a fundamental American principle," an amicus brief filed by the American Civil Liberties Union quoted the clause in the Danbury letter containing the "wall of separation." The ACLU ominously concluded that the challenged state statute,

Pelicans

by Peter Hunt

On Brisbane waters back in days
of rowing boats, clean, mullet-leaping
bays, and cottages set back
in quiet bell-bird bush, a pelican was shy,
a special sight, and two or three
a minor spectacle, a legend full
of vintage tales. And thought to be
progenitors of much-loved Catalina
flying-boats which floated, gleamed
on placid waters of Rose Bay.
Big, awkward birds with funny beaks
and goitred necks, and unexpected grace,
they'd sail and glide for minutes
at a time on subtle waves of air
with but a single flap of eight-foot wings.
Now in floating squadrons, fat
and passive, crowded like the tourists,
they await their daily dole of bread
and cake and chips, and debris
that's cast away or thrown to squabbling
Mobs so unlike the ancient symbol
of the bloodied breast, and bowed-down
head that tore itself to feed its needy young.

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which provided state reimbursements for the transportation of students to and from parochial schools, "constitutes a definite crack in the wall of separation between church and state. Such cracks have a tendency to widen beyond repair unless promptly sealed up."

The trope's current fame and pervasive influence in popular, political, and legal discourse date from its rediscovery by the *Everson* Court. Shortly after the ruling was handed down, the metaphor began to proliferate in books and articles. In a 1949 best-selling anti-Catholic polemic, *American Freedom and Catholic Power*, Paul Blanshard advocated an uncompromising political and legal platform favoring "a wall of separation between church and state." Protestants and Other Americans United for the Separation of Church and State (today known by the more politically correct name "Americans United for Separation of Church and State"), a leading strict-separationist advocacy organization, wrote the phrase into its 1948 founding manifesto. Among the "immediate objectives" of the new organization was "[t]o resist every attempt by law or the administration of law further to widen the breach in the wall of separation of church and state."

The Danbury letter continued to be cited frequently and favorably by the Supreme Court. In *McCollum* v. *Board of Education* (1948), the following term, and in subsequent cases, the Court essentially constitutionalized Jefferson's phrase, subtly and blithely substituting his figurative language for the literal text of the First Amendment. In the last half of the 20th century, the metaphor emerged as the defining motif for Church-State jurisprudence.

Metaphors are a valuable literary device. They enrich language by making it dramatic and colorful, rendering abstract concepts concrete, condensing complex concepts into a few words, and unleashing creative and analogical insights. But their uncritical use can lead to confusion and distortion. At its heart, metaphor compares two or more things that are not, in fact, identical. A metaphor's literal meaning is used nonliterally in a comparison with its subject. While the comparison may yield useful insights, the dissimilarities between the metaphor and its subject, if not acknowledged, can distort or pollute our understanding of the subject. Metaphors inevitably graft onto their subjects connotations, emotional intensity, and/or cultural associations that transform the former understanding of the subject. If attributes of the metaphor are erroneously or misleadingly assigned to the subject and the distortion goes unchallenged, the metaphor may reconceptualize or otherwise alter the understanding of the underlying subject. The more appealing and powerful a metaphor, the more it tends to supplant or overshadow the original subject, and the more we are unable to contemplate the subject apart from its metaphoric formulation. Thus, distortions perpetuated by the metaphor are sustained and magnified.

The judiciary's reliance on an extraconstitutional metaphor as a substitute for the text of the First Amendment almost inevitably distorts constitutional principles governing Church-State relations. Although the "wall of separation" may felicitously express some aspects of First Amendment law, it seriously misrepresents or obscures others. In *Thomas Jefferson and the Wall of Separation Between Church and State*, I contend that the wall metaphor mischievously misrepresents constitutional principles in at least two important ways.

First, Jefferson's trope emphasizes *separation* between Church and State—unlike the First Amendment, which speaks in terms of the nonestablishment and free exercise of religion. Jefferson's Baptist correspondents, who agitated for disestablishment but not for separation, were apparently discomfited by the figurative phrase. They, like many Americans, feared that the erection of such a wall would separate religious influences from public life and policy. Few evangelical dissenters (including the Baptists) challenged the widespread assumption of the age that republican government and civic virtue were dependent on a moral people and that morals could be nurtured only by the Christian religion.

Second, a wall is a bilateral barrier that inhibits the activities of both the civil government and religion—unlike the First Amendment, which imposes restrictions on civil government only. In short, a wall not only prevents the civil state from intruding on the religious domain but also prohibits religion from influencing the conduct of civil government. The various First Amendment guarantees, however, were entirely a check or restraint on civil government, specifically on Congress. The free-press guarantee, for example, was not written to protect the civil state from the press but to protect a free and independent press from control by the national government. Similarly, the religion provisions were added to the Constitution to protect religion and religious institutions from interference by the national government, not to protect the civil state from the influence of, or overreaching by, religion. As a bilateral barrier, however, the wall unavoidably restricts religion's ability to influence public life, and, thus, it necessarily exceeds the limitations imposed by the Constitution.

Herein lies the danger of this metaphor. The "high and impregnable" wall constructed by the modern Court has been used to inhibit religion's ability to inform the public ethic, deprive religious citizens of the civil liberty to participate in politics armed with ideas informed by their spiritual beliefs, and infringe the right of religious communities and institutions to extend their ministries into the public square. The wall has been used to silence the religious voice in the public marketplace of ideas and to segregate faith communities behind a restrictive barrier.

If, as I have argued, the wall is a profoundly flawed metaphor for First Amendment doctrine, then should we search for a better, alternative metaphor, such as James Madison's "line of separation"? I think not. Although other tropes may yield interesting insights, we are best served by returning to the First Amendment itself.

Jefferson's figurative language has not produced the practical solutions to real-world controversies that its apparent clarity and directness led its proponents to expect. Indeed, this wall has done what walls frequently do: It has obstructed the view. It has obfuscated our understanding of constitutional principles governing Church-State relationships.

The repetitious, uncritical use of felicitous phrases, Justice Felix Frankfurter observed, bedevils the law: "A phrase begins life as a literary expression; its felicity leads to its lazy repetition; and repetition soon establishes it as a legal formula, undiscriminatingly used to express different and sometimes contradictory ideas." Figures of speech designed to simplify and liberate thought end often by trivializing or enslaving it. Therefore, as Judge Benjamin N. Cardozo counseled, "[m]etaphors in law are to be narrowly watched." This is advice that courts would do well to heed.

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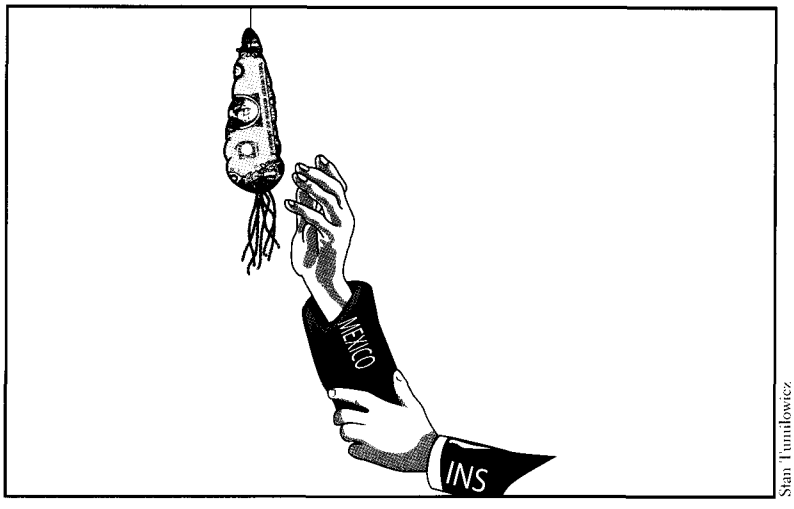
The Rights of Aliens

"We, The People" *Versus* Human Rights

by Stephen B. Presser



One way of telling the story of American culture and politics in the second half of the 20th century is to present it as a revolt against the group of white Anglo-Saxon Protestant males who dominated the country from the time of William Bradford to that of Dwight David Eisenhower. This narrative helps to explain how the federal courts began to implement new constitutional interpretations that furthered secularization, democratization, desegregation, and redistribution of political power. Similar developments followed in Congress and state legislatures, particularly when the Democratic Party, whose base has historically consisted of religious and ethnic groups who sought to displace the formerly hegemonic WASP establishment, was dominant. Most Americans are familiar with the constitutional and legal developments of the late 20th and early 21st century involving criminal procedure, race, religion, and abortion, among other issues; until recently, however, few (outside of *Chronicles*) understood that a similar cultural revolution was changing the way that the country treats immigration and naturalization.

These matters have suddenly gained attention because at least some of the September 11th hijackers (all foreign nationals) had been issued visas by the U.S. government, and, during the law-enforcement sweep that followed the terrorist attacks, other foreign nationals were incarcerated and detained under criminal procedures less strictly regulated than those mandated for U.S. citizens in the Constitution. This led to a plethora of lawsuits and the revelation of eye-opening practices at the U.S. Immigration and Naturalization Service (INS). As Michelle Malkin wrote, the INS was "a beleaguered immigration bureaucracy with 15,000 employees, a $2 billion budget, and an abysmal history of lax law enforcement," which had embarrassingly failed to do much to prevent the 19 hijackers from entering the country.

The INS has since been folded into the Department of Homeland Security and renamed the "Bureau of Immigration Services," but we still have an annual deluge of approximately 1.2 million legal immigrants and several hundred thousand undocumented foreign nationals each year—and the prospects for improvement in the way our immigration bureaucracy operates are not encouraging.

We allow a bewildering variety of categories of aliens to enter the country legally. For instance, 50,000 spaces are set aside each year for a "diversity lottery." Online applications for the lottery list high-school equivalency or two years of job training as qualifications, and applicants must come from a country that is considered underrepresented in the United States. Those who "win" get a nice letter from the federal government beginning "Congratulations!" and are permitted to bring their immediate family, so that the 50,000 spaces considerably understate the amount of immigration made possible by this program. Each year, an additional 100,000 are permitted to immigrate if they can claim that they are refugees from political oppression abroad. A provision of the Violence Against Women Act (other provisions of which were found by the Supreme Court to go beyond the authority permitted by the Commerce Clause) sets aside some places for applicants claiming to be battered spouses. U.S. immigration law also values immigration by those who possess special technological skills and those willing to invest at least a million dollars in a new enterprise here. Each year, we set aside 140,000 places for those possessing "job skills" we purportedly need. And we make it fairly easy for relatives of those already permitted to live in this country to join them.

Americans finally may be beginning to realize that our immigration policy is chaotic, complex (only the tax laws are said

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to be worse), and wrongheaded. For several years now, some solons have sponsored immigration-moratorium measures. The latest, introduced in February 2003, is H.R. 946, the "Mass Immigration Reduction Act of 2003," which, according to its proponents, "would explicitly 'effect a moratorium' on most categories of legal immigration and drastically limit others. It would . . . reduce legal immigration numbers from the 1.2 million person flood a year to about 300,000 immigrants per year for 5 years." Its sponsors also hope to "increase pressure against illegal alien amnesty bills now working their way through Congress." Unfortunately, several such efforts have recently foundered for lack of support. More alarming, at least some of the illegal-alien amnesty bills enjoy the support not only of a more substantial portion of Congress (often Democrats, who correctly perceive that naturalized and enfranchised aliens are more likely to support their party) but of the Republican administration, which seeks to garner Hispanic votes. Even so, U.S. immigration policy is not what the majority of the American people would favor, if given the opportunity to choose.

Our failure to stem the tide of illegal immigration—particularly from south of the border—and our willingness to grant amnesty to many of these immigrants have brought large numbers of non-English-speaking people to the United States, where they seek to take advantage of the social services available to citizens. Those concerned about this attack on traditional American culture may well wonder: Just what is our law regarding the rights of noncitizens? What are the rights of aliens in America, and to what extent do they have a claim on our social resources or even a right to enter the country?

The U.S. Constitution does not set out detailed principles for the treatment of aliens. The power to make uniform rules for immigration and naturalization is granted to Congress, so the matter is taken out of the hands of state and local governments. In recent judicial decisions, at least some federal courts have read this to mean that the national government can dictate the policies to be followed by state and local governments in providing services even to undocumented foreign nationals. Congress has generally mandated that those who provide social services not discriminate between citizens and noncitizens. Following this logic, a federal judge ruled California's Proposition 187—which sought to curtail social services to aliens—unconstitutional. It is increasingly unlikely that state and local governments will have much discretion in refusing services to noncitizens or even to illegal immigrants.

In the beginning of the republic, Congress clearly recognized a danger from immigrants hostile to American institutions, and, as early as 1798, the president was given power to detain or expel foreign nationals who posed a danger to the citizenry. This power has been maintained in the executive and was recently invoked to support the detention not only of aliens resident in this country but of Al Qaeda operatives, captured in Afghanistan, at our military base in Guantanamo Bay, Cuba. There is also clear precedent for bringing alien offenders before military tribunals rather than our regular courts, although this practice has predictably been assailed by such organizations as the ACLU.

The Constitution begins "We the people of the United States," which would seem to exclude noncitizens, since at least some decisions of the federal courts have defined "the people" as the citizens. Citizens comprise those born in this country and those who have been naturalized according to legal procedures, which require continuous residence for a period of years, an application for citizenship, and the demonstration of knowledge regarding the rights and obligations of U.S. citizens. Thus, the legal rights guaranteed by the Constitution—including the freedoms of speech, press, and religion; the freedom from unreasonable searches and seizures; and the rights to counsel, equal protection of the laws, and due process—might be taken not to extend even to aliens legally admitted to the United States, and, *a fortiori*, not to those aliens who were not legally admitted. This was the view that prevailed among the Founding Fathers, but it is no longer accepted.

The ACLU and other "civil-rights" organizations point to the guarantees of the Bill of Rights and other laws and note that the language of those provisions is that of general prohibitions (*e.g.*, "Congress shall pass no law abridging the freedom of speech") or that the protections accorded are given to any person and not just to citizens (*e.g.*, the 14th Amendment's statement that no state shall "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws"). Two amendments to the Constitution, the 15th and the 19th, are expressly limited to citizens. The 15th provides that "The right of Citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude," and the 19th states that "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex." This language might seem to make clear that the exercise of the franchise can certainly be reserved to citizens, but, according to perhaps the hoariest of legal maxims, *expressio unius est exclusio alterius* ("to mention one excludes the others"), such language might also be read to say that, where rights are not expressly limited to citizens, they ought to be enjoyed by all. That view dominates not only among such groups as the ACLU but within the legal academy and the federal courts. Georgetown Law Professor David Cole recently wrote in the *Stanford Law Review* that "The right to vote and the right to run for federal elective office are restricted to citizens, but all of the other rights [guaranteed by the Constitution] are written without such limitation."

Though its name seems to suggest that it ought only to be concerned with the civil liberties of Americans, the ACLU now invokes the language of "human rights," which, in some instances, goes well beyond what the Constitution might provide. No matter what textual games they and others might seek to play with the Constitution, however, the provisions of Article I, Section 8, granting Congress the power to "To establish an uniform Rule of Naturalization," and of Article I, Section 9, implicitly granting Congress the power to prohibit "The Migration or Importation" of persons into the country, convey the unmistakable impression that aliens may be treated differently. The Declaration of Independence, following Locke, states that "all men" are endowed with certain unalienable rights, including those to life, liberty, and the pursuit of happiness. We have never actually accorded constitutional status to the Declaration, but its ideas have, at least, rhetorical force, especially when they are added to other statements of human rights. Reflecting the conventional wisdom of the legal academy, Professor Cole notes that

> the human rights movement of the last 50 years reflects a[n] . . . understanding that there are certain basic rights to which all persons are entitled, simply by virtue of be-

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ing persons. . . . The rights of political freedom, due process, and equal protection, in other words, are part of the minimal set of rights that the world has come to demand of any free society.

For Professor Cole, the ACLU, and others like them, there is a free-floating standard of conduct ("that the world has come to demand") that ought to bar our government from treating aliens, for most purposes, any differently from citizens.

From this perspective, the U.S. government has no right to discriminate against those wishing to enter this country who hold political, religious, or cultural views antagonistic to those that prevail here. Thus, it is not surprising that, in 1990, Congress was persuaded to repeal the provisions of immigration law that allowed the deportation of aliens who held political views incompatible with our constitutional order. Before 1990, it was permissible to deport or refuse entry to those who were "anarchists," who advocated "opposition to all organized government," who were "members of the communist party or any other totalitarian party," or who advocated "the overthrow by force, violence, or other unconstitutional means of the Government of the United States or the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government," or who advocated "the unlawful damage, injury, or destruction of property." It is still possible for the U.S. government to deport aliens suspected of affiliation with terrorist organizations or convicted of felonies or of helping others to evade deportation or to disobey the immigration laws (among several other grounds), but it is not at all clear that the federal government has the resources or the will to do so. Indeed, in January 2002, the *Washington Post* reported that 300,000 foreign nationals remain in this country after having been ordered deported.

How is it that we have arrived at such permissive immigration and such generally lax enforcement of immigration and deportation laws? Some see this as the result of a desire for cheap labor for American factories, service industries, and domestic services, which dovetails nicely with immigrant desires to escape a lack of economic opportunities abroad. The argument for such immigration is that it benefits the U.S. economy, and the same argument justifies accepting immigrants who can invest large sums of capital in American industry or who possess special skills American industry needs. Setting aside the question of whether economics ought to drive immigration policy, those seeking to restrict immigration have argued that the increased cost of social services, particularly welfare and medical care (which the federal government mandates must be provided to resident alien and citizen alike), far offsets any economic gain from increased immigration.

In any event, the costs to American culture and politics of virtually unrestricted immigration and the legal inability to distinguish between citizen and alien may be greater than any economic benefit increased immigration could ever provide. Those who advocate open borders and the provision of social services to aliens believe in a concept of human rights that is antithetical to the traditional understanding of national sovereignty in America and is, perhaps, even antithetical to the rule of law itself. The problem with abstract assertions of "the rights of man," as Edmund Burke warned, is that they lead to the overthrow of established institutions, to the weakening of traditional authority, to the seizing of property, and, ultimately, to anarchy and tyranny. The human-rights arguments that advocates for open borders and for equal treatment of aliens often invoke are the same arguments Burke attacked. To fail to distinguish between the rights of citizens and aliens, to fail to control immigration, and to fail to carry out deportations may put at risk not only American sovereignty but, eventually, property rights and Americans' resistance to redistribution. For those truly hostile to the dominant American values and culture of the 18th, 19th, and early 20th centuries, this may not be a concern; for those remaining defenders of those values and that culture, however, there is reason for alarm, if not outrage. <c>

Islam and the West: The Bloody Balkan Crossroads

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September 11, 2001, opened American eyes to a reality the people of the Balkans have known for centuries: militant Islam. As G.K. Chesterton wrote, it was only the "sheer fanaticism" of the Serbs that defended "the frontiers of Christendom against such locust-clouds of foes" while the rest of Europe was "electing our first parliaments and building our first cathedrals."

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The Fate of Britain

by Derek Turner

"The day of small nations has passed away; the day of empires has come."
—Joseph Chamberlain

A History of Britain: The Fate of Empire 1776-2000
by Simon Schama
London: BBC Books; 576 pp., $40.00

Stan Tumilowicz

Simon Schama is university professor of art history and history at Columbia University and the author of histories and art histories, such as his 1995 *Landscape and Memory* and his two works on Dutch art and culture, *An Embarrassment of Riches* and *Rembrandt's Eyes*. He also writes regularly for newspapers and was once art critic for the *New Yorker*. More recently, Schama became a television writer and commentator as well.

The Fate of Empire is the third and final volume in his *History of Britain*, following *At the Edge of the World? 3500 B.C.-1603 A.D.* and *The Wars of the British: 1603-1776*. Schama's text is erudite, vigorous, enjoyably cynical, and enlivened by telling anecdotes (I had not heard the amusing story about Sidney Webb, whose head was so out of proportion to his body that his wife-to-be recoiled in horror from the first full-length photograph she ever saw of him and told him that it was his head alone she had agreed to marry) and captivating profiles of such offbeat but strangely important individuals as engraver Thomas Bewick and pioneering photographer Julia Margaret Cameron.

Schama excels in drawing connections between cultural movements and political developments—connections that might have been overlooked or understated by historians less interested in the arts. He provides excellent sketches of the character and *oeuvre* of such figures as Wordsworth and Hazlitt—whom he calls (controversially, to my mind) the "greatest essayist in the English language" (what about Charles Lamb?)—and shows how the activities of such luminaries colored and even helped to produce contemporary political developments. In a particularly succinct example, he summarizes admirably the literary and cultural antecedents of Benjamin Disraeli's accession to office:

> Disraeli's way had been prepared for him by the romantic rhetoric of Edmund Burke; the massive popularity of the novels of Sir Walter Scott; the nostalgic "troubadour" history paintings like Paul Delaroche's *Lady Jane Grey*; Pugin's mind-bogglingly profuse interior for the House of Lords; the neo-chivalric canvases of the pre-Raphaelites; the Christian paternalism of the old Poet Laureate Wordsworth and the Arthurian idylls of the present incumbent, Tennyson. Disraeli was Carlisle with a smile; Charles Dickens with a white silk handkerchief.

Throughout Schama's work, dates are treated as less important than linkages and impressions, for which the book is none the worse. As Schama promises in his preface, "No one will be in any danger of confusing *The Fate of Empire* with a text book."

Schama's generally elegant prose is not above demotic touches. In *The Wars of the British*, the author describes James I of England as "a sexually active gay" and describes the multiple incarcerations of George Fox in distinctly unacademic terms: "When [Fox] attempted to warm himself by lighting straw in one of his cells, his gaoler p-ssed on the fire to put it out and threw sh-t on the prisoner from a gallery above."

Unfortunately, various minor errors (*e.g.*, "precipitous" when "precipitate" is meant, and "gender" instead of "sex") obtrude, and there are irritating expressions such as "intuited" (what is wrong with "sensed"?), and odd lapses. For instance, Schama lists and describes such various Indian conveyances as the *palkie* (a native-borne litter) and the *hackery* (a bullock cart) but does not think it necessary to describe a *tonga* (a light four-wheeled cart for four persons). Otherwise, the flaws stem more from Schama's political stance—decidedly left—than from any lapses on his editors' part.

We should not blame Schama for hav-

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ing an agenda. (What historian does not?) He candidly admits that his history is "frankly interpretative." Napoleon was at least partly right when he asked, "What is history but a fable agreed upon?" And I find Schama's political views more plausible—and palatable—than do many conservatives of my acquaintance, the British Empire being one of the few things about which I have never felt nostalgic. (I believe we should disband the Commonwealth and gradually shed the remaining "Dependent Territories," too.)

The empire dissipated resources that would have been better spent at home, wasted countless lives, earned Britain enemies all around the world, and has bequeathed Britain big government, delusions of grandeur, and a massive immigration problem. (Being an ex-imperial power *does* put a country at a moral disadvantage when it comes to immigration: How could Britain refuse entry to the natives of countries that she had invaded and exploited?) I agree with many on the left that the empire should never have been—although it was surely an inevitable development for strategic reasons, given the fact that our European rivals were busily building up empires of their own, with a view, presumably, to ruling *us* eventually. Certainly, this was the belief of such reluctant imperialists as Tory Prime Minister Lord Salisbury, under whose governments the empire expanded—but only as a reaction to foreign ambitions or to rescue some half-baked private British expedition that had got itself into trouble. Schama, who seems to agree that the empire ought never to have existed, has the good sense not to repine.

Schama's views are interesting in part because he is selective in his prejudices and does not simply subscribe to the left-wing package deal. For all of his manifold criticisms of the British Empire, he is more Anglophile than Anglophobe. No one who hated Britain could write that,

> in Orwell's fugitive Golden Country nature, love, freedom and history are all ravelled up together. Some before him called such a place of hopes and blessings "Jerusalem." And some of us, obstinately, think we can still call it Britain.

Schama clearly agrees with Orwell that orthodox leftists were, and are, wrong to despise patriotism.

He opposes devolution for Scotland and Wales and decries the fact that modern historians of Britain "invariably come not to praise it but to bury it." He has no kind words for the Soviet Union. He possesses a degree of Euroskepticism: "Our place at the European table ought to make room for [Britain's historical] peculiarity, or we should not bother showing up for dinner"—although the comment seems to conflict with earlier remarks, and Schama's distrust of Europe is rooted in a left-wing detestation of "the gold-card benefits of the inward-looking club of white restaurant-goers and villa-renters, bonded together by some imagined notion of cultural sophistication," and the "chilly white purism of Euro-nationalism." He disagrees with postmodernists such as Edward Said:

> Although the . . . orientalists have become a byword for cultural imperialism, the stubborn fact remains that they were the first and only generation of the British in southern Asia who had the capacity and sympathetic enthusiasm to understand the culture in which they had planted themselves.

No thoughtful right-winger should entirely discount Schama's remark that Margaret Thatcher's various governments perpetuated "a deep rift in Britain's social geography." Those of us who do not believe in giving a blank check and an entirely free hand to big business will not be shocked by his caustic dismissal of the famous Scottish financial house (which still exists) as hypocrites who inveighed against footbinding but sought to expand the opium trade. His championing of Mary Seacole over Florence Nightingale may irritate those of us who are used to hearing her name only in the mouths of ignoramuses in inner-city primary schools for whom the West is always the worst, but we should try to overcome such visceral reflexes. In fact, Schama makes a strong case that Seacole was more effective than Nightingale; perhaps she *should* replace Nightingale as the emblem of the Royal College of Nursing.

Such views, however, make Schama something less than entirely congenial company. Although he does not believe in Whiggish historical inevitability or manifest destiny, *The Fate of Empire* is stamped by a presumption that the conservative elements were more wrong than right, while the radicals were more right than wrong.

Although Schama is too clever to follow any faction wholeheartedly, his overall philosophy is clear from such sentences as "[The Fabians] were to make a modern, just and compassionate industrial society, without violence and without the sacrifice of freedom. There have been worse ideologies in the modern age." In *The Fate of Empire*, he occasionally fires off salvos at the radicals, but more for their personal failings or "racism" than for their utopianism. Throughout the *History*, he is overly concerned with such modern manias as "racism," which sometimes leads him into anachronisms—"black Africans, whose welfare had definitely not been uppermost in the minds of those who had written Magna Carta or the Petition of Right" (as if black Africans could or should have impinged on the horizons of Englishmen of those periods)—and skewed judgments:

> The most shaming thing that can be said, perhaps, of British politics in the age of Victoria's Diamond Jubilee is that those radicals like Sir Charles Dilke and Joseph Chamberlain, who were most eloquent on behalf of the underclass in Britain, should also have been most ferocious in their conviction about the manifest superiority of the white race and the self-evident altruism of the British Empire.

Schama calls Enoch Powell's famous 1968 speech a "paranoid rant," presumably akin to the earlier "racist ranting" of the British planters in Burma. He is also obsessed with slavery, which, in *The Wars of the British*, he calls excitedly the empire's "original sin; a stain that no amount of righteous self-congratulation at its eventual abolition can eventually wash away." Arguably, he lays too much emphasis on what is merely an incidental part (if an exceedingly unpleasant one) of imperial history—especially since he has already conceded that everybody else, including black Africans, was engaging in slavery, too.

The whole *History* is marred by such prissiness, which hinders Schama's understanding of those whose politics he does not approve. I also did not appreciate Schama's gratuitous attack on one of my favorite books, H.V. Morton's *In Search of England* (1927). Yes, it may be syrupy in parts, but it is also charming, and nations need myths to survive. Man cannot

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live on bile alone.

Schama also fails to draw certain rather obvious parallels between the politicians of the past and the politicians of today. It is possible that the BBC, which published the book, removed some contentious material to avoid annoying their ideological fellow travelers (and paymasters) in the government, but it is more likely that Schama (like most people) sees things better far off than up close. He criticizes the present politically correct mania for Western guilt and historical revisionism ("Nor should Britain rush towards a re-branded future that presupposes our shame-faced repudiation of the past") but does not see that the present government is busily trying to put Britain through a cultural cleansing process. What he writes about the Lloyd George era certainly has contemporary resonance:

> [T]he Prime Minister rarely deigned to put in an appearance in the Commons, presiding instead from Downing Street over a regime of flashy cronies. It was rule by dinner party; its weapons the artfully targeted rumour, the discreet business sweetener, the playfully or not so playfully threatening poke in the ribs. Honours were up for sale; insider commercial favours expected.

Nonetheless, either Schama does not see the similarities or he believes discretion to be the better part of valor. He decries Palmerston's "world bettering," while seeming not to consider that Messrs. Blair and Bush may be trying to do something rather similar. Is the present drive to export democracy, human rights, and abortion-on-demand really all that different from previous drives to export "civilization" to benighted natives?

David Cannadine has compared Schama to Macaulay. The comparison is not entirely appropriate, as Schama shares neither Macaulay's overweening confidence nor his bombast. There is no certainty, merely a kind of wishful thinking, in Schama's vatic aspiration:

> Might the English language, or at least Ameringlish, liberated from its role as the language of imperial sovereignty, have a future, after all, as the solvent of sectarian conflict—an agent of modernization without mastery, whether in Bombay or Bradford?

And there is a clutching-of-straws quality about his plaintive

> Just suppose that, instead of the cruel but just fate of empire being the punishing disintegration of the nation that engineered it in the first place, its reward for surviving that process was actually to make something positive . . . a multiracial Britain [that] actually took pride in what Colin MacInnes . . . called "its mongrel glory."

Such pious hopes are, of course, infinitely preferable to confident Macaulayesque predictions and less likely to rebound on an author. As a vision of the future, however, they seem unlikely to galvanize anyone.

Nor is Schama, in his noncontemptuous attitude toward non-Europeans, similar to Macaulay, who once wrote,

> I have never found [anyone] distinguished by their proficiency in the eastern tongues who could deny that a single shelf of a good European library was worth the whole native literature of India and Arabia.

Schama tends to overcompensate in the other direction. In *The Wars of the British*, he dissects mercilessly all British myths and traditions; he does not, however, extend harsh scrutiny to African "ancestral wisdom . . . knowledge of religion and *obeah* healing," all of which he seems to take absolutely at face value.

As far as Schama is concerned, the heroes of 20th-century, end-of-empire Britain were George Orwell and Winston Churchill. These are very good choices, and the author does a fine job delineating the chief characteristics and contributions of these men without being blind to their shortcomings. Schama is, however, somewhat contradictory about Churchill. On one hand, he can say, "Looked at from the viewpoint of 2002, almost all of Churchill's positions . . . seem prophetic or optimistic." On the other, however, he says that the Churchill of the 1920's had taken some "absurd positions," such as his support for Mussolini and his opposition to socialism. He does not dwell on Churchill's well-known contempt for Indians and Africans (calling Indians "stinking Babus" and Chinese "Chinks" would surely constitute "racist ranting" by any modern standard), his opposition to colored immigration, his belief in eugenics, or his plainly antisemitic diatribes concerning Bolshevism. Reading between the lines, it seems that Schama admires Churchill chiefly because "British Jews would not be rounded up at Wembley and shipped to Auschwitz. To some of us . . . no trivial thing." This is a very good reason, but I cannot help but wonder what else Winston Churchill and Simon Schama would have had in common.

Schama also disagrees with Churchill's expressed belief that British national survival was dependent on the empire's survival. This, of course, begs the question: What is Britain without the empire? Can Britain really hold together now, after decades of massive immigration and state-sponsored multiculturalism, with her institutions declining in importance and prestige, with Westminster's power passing to Brussels, with devolutionary pressures growing on the Celtic fringes and regionalization being promoted within England? The fact that Schama merely skims over the history of postwar Britain, as if his interest in the whole project ended with Churchill, implies that he may secretly believe that the British game is over.

At any rate, he has no answers other than to hope that Britain does not become like postcommunist Yugoslavia and that we can all just magically get along together—in a Britain shorn of her empire, her traditions, her very reason for existence. Of course, no one can reasonably expect an historian—or anyone else—to provide such answers. But we can hope, and cultivated, broadminded historians are probably better qualified than anyone else to propound solutions. As a fair-minded man with Britain's best interests at heart, Schama must have wondered if and how Britain is to survive. National identity needs to be based on something more substantial than some vague freedom based on the rule of nonspecific law. British history is—or should be—a great deal more than just "the shaking loose of peoples from their roots." Otherwise, how exactly does Britain differ from America? c

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MacArthur Park Is Melting in the Dark

by J.O. Tate

Writing Los Angeles: A Literary Anthology
by David L. Ulin
New York: The Library of America; 880 pp., $40.00

◆

Now, before I have my say about David L. Ulin's new compendium of writing on Los Angeles, there are just a few things that need to be said about my own "Hollywood years," because I get tired of being asked about that episode by nosy people who are just plain confused about the facts. So get this: *I never knew Ava Gardner at all in Hollywood.* I knew Miss Gardner later on, in Madrid and London, and all I want to say in answer to so many inquiries—and this is the last time I intend to address the matter—is that she was no kind of cook. And I will even go so far as to say that neither was she a woman of any notable intellectual attainment, so let's just leave it at that. Besides, though Ulin's anthology does bring back some memories, it is not oriented toward Hollywood alone.

This special anthology parallels the 1998 volume *Writing New York*, also published by the Library of America. Vertical New York and horizontal Los Angeles, despite their manifold differences, have some things in common besides having inspired or provoked so much writing and even literature, and one of them is that they are places of the mind. We think of these cities as made of the words we know them by and of the attitudes they represent. And we know them also by the still and moving images they have produced. *Writing Los Angeles* leaves little to be desired as a gathering of writings about the mythical and all-too-real city or megasprawl to which it is devoted. Yet that little is not negligible.

The main thing to be said about the book, however, is that it is, for the most part, a ripping good read. Though it is long, immersion demonstrates that it is not too long. Dr. Johnson once said that no one ever wished *Paradise Lost* longer than it is (he forgot to ask me), but I think that many readers will actually be sorry when they run out of these West Coast pages. If your daddy takes the T-Bird away, can we indeed still have fun, fun, fun? Yes, yes, yes, by reading about three fourths of this anthology again.

Carey McWilliams and Mike Davis have probably written the most brilliantly about the history and development of Los Angeles in all its relentless rapacity. James M. Cain and John Gregory Dunne have probably written the best appreciations of the atmosphere and distinction of the place, or places. H.L. Mencken is necessary on the subject of Aimee Semple McPherson, as is Edmund Wilson—who writes with surprising flash—on the Rev. Bob Shuler. In a much more contemporary vein, Pico Iyer's essay on the Los Angeles International Airport (LAX) is a superb CAT scan of the postmodern transnational world that is rapidly coalescing.

I noticed, too, another group or category of writing that is a rather particular refraction of sensibility. Ross Macdonald, in an excerpt from *The Barbarous Coast*; Joan Didion, in two of four essays; Robert Towne, in his "Preface and Postscript to *Chinatown*"; Walter Mosley, in an excerpt from *Devil in a Blue Dress*; James Ellroy, in an account of police procedures; and David Thomson, in a superb essay, "Beneath Mulholland," all show signs, in these pieces and in other works, of the distinct influence of Raymond Chandler—of his presence in their minds. And I noted as well that the School of Chandler is preceded by his own representation in this volume, "Red Wind." This story, Chandler's best, is the right choice for showing him at a limited length and with the correct 1938 text. Although *Writing Los Angeles* contains fiction by such worthies as Faulkner, Fitzgerald, West, Waugh, and others, Chandler's is actually the best example of fiction in this volume as well as the most influential. As of this writing, the Santa Ana winds continue to dehydrate Los Angeles; and so Chandler's acute reification of the word *atmosphere* still stands as a vivid evocation of a particular place. And it still stands, in its allusions to the tradition that links "Red Wind" to Maugham's "Mr. Know-All," and Henry James' "Paste" to the ultimate source in De Maupassant's *La parure*, as an accomplished synthesis of the high and low cultures of reading and writing, and as yet another take on Eliot's "The Waste Land," as well. Or we can put this another way: When Joan Didion writes of her residence in Malibu that "I had not before 1971 and will probably not again live in a place with a Chevrolet named after it," our admiration for the snap of her sentence jogs our memories of Chandlerism. For example, "Neither of the two people in the room paid any attention to the way I came in, although only one of them was dead" (*The Big Sleep*, 1939).

Of course, there are other ways to "write Los Angeles" besides the School of Chandler. Tom Wolfe, in "The Kandy-Kolored Tangerine-Flake Streamline Baby," seemed to have invented the New Journalism at a stroke. And Jules Siegel, in his study of Brian Wilson, "Goodbye Surfing, Hello God!" is hardly less effective. Salka Viertel has incisively described the L.A. that was a center for distinguished European refugees in the 1940's, and Reyner Banham is the authority on the sometimes outrageous architecture of the City of Angels.

There is nothing wrong with *Writing Los Angeles* that is not wrong with any anthology, though this is the only one that made me miss Ben Hogan and the statue of him at the Riviera Country Club, and Sandy Koufax and Don Drysdale, too. Come to think of it, I could have also used something on Charles Manson by Vincent Bugliosi, and another on O.J. Simpson, not to mention more riot coverage. As it is, however, this book radiates energy and is a showcase of writing designed for informativeness, for enjoyment, and even for serious study.

J.O. Tate is a professor of English at Dowling College on Long Island.

The Path of Less Resistance

by Thomas E. Woods, Jr.

God and the World
by Joseph Cardinal Ratzinger
San Francisco: Ignatius Press; 460 pp., $18.95

◆

Joseph Cardinal Ratzinger, prefect of the Congregation for the Doctrine of the Faith (formerly the Holy Office) since 1983, has exercised enormous influence within the Catholic Church. In late 2002, he was elected dean of the College of

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Cardinals, a largely ceremonial and honorary position to be sure, but one that reflects his continuing influence and stature.

Ratzinger personifies the right flank of the present Vatican establishment, which is to say that he is considerably to the left of his preconciliar predecessors. The cardinal has doubtless moved to the right since the days of his priesthood, when he roamed the corridors of the Second Vatican Council in coat and tie. Still, he is a man of many weaknesses, some of which become clear in *God and the World*.

The book is an extended interview conducted by journalist Peter Seewald, a follow-up to the successful *Salt of the Earth*, published in 1997. *God and the World* is interesting but not gripping; Ratzinger is too moderate by temperament to adopt positions that the reader will find particularly surprising or unexpected. It is, nevertheless, worth reading, partly because Ratzinger deftly handles the questions and objections that Seewald poses to him—frequently from the perspective of a hypothetical atheist—and partly because, especially toward the end of the book, we see some of the timidity of even the most conservative of post-Vatican II churchmen.

Ratzinger has been very critical of the postconciliar "reform" of the Roman liturgy, which he has described as "a banal, on-the-spot product" whose abrupt break with Catholic tradition has led to "consequences that could only be tragic." In *God and the World*, the cardinal once again expresses his support for those who wish to attend Mass according to the traditional liturgy of the Roman Missal of 1962:

> For fostering a true consciousness in liturgical matters, it is also important that the proscription against the form of liturgy in valid use up to 1970 should be lifted. Anyone who nowadays advocates the continuing existence of this liturgy or takes part in it is treated like a leper; all tolerance ends here. There has never been anything like this in history; in doing this we are despising and proscribing the Church's whole past. How can one trust her present if things are that way? I must say, quite openly, that I don't understand why so many of my episcopal brethren have to a great extent submitted to this rule of intolerance.

Such a remark must surely be welcomed by any sensible Catholic.

Asked about the practice of receiving Holy Communion in the hand, however, Ratzinger brushes aside the issue: "I wouldn't want to be fussy about that." What would have been considered a sacrilege two generations ago, the cardinal now calls "a perfectly reasonable way to receive Communion." Likewise, concerning the practice of standing for Communion: "Earlier, Communion used to be received kneeling, which made perfectly good sense. Nowadays it is done standing." No preconciliar pope would ever have been so cavalier about a practice so beautiful and fitting or have shown no sorrow at seeing it go.

These issues touch upon the very heart of what it means to be a Catholic. Most people do not read papal encyclicals; their connection with the Faith comes from what they see and experience. When Mrs. Jones gives Holy Communion in the hand to communicants standing just outside where the altar rail used to be—where people once knelt for Holy Communion—is it really a surprise that 70 percent of Catholics between ages 18 and 44 now believe that they are receiving only a "symbol" of Christ? It is utterly at variance with the *sensus catholicus* to dispense with acts of piety hallowed by well over a millennium of tradition.

The Catholic left, which continues to propel the liturgical revolution ever forward, was determined from the beginning to have its way without compromise. The "resistance" it encountered, such as it was, was largely of the Ratzinger variety: Since the change in question did not touch directly on doctrine, it was acceptable. The problem, of course, is that the sum of such changes not only disoriented the Catholic faithful, as Cardinal Newman had warned it would over a century ago, but tended materially to undermine the faithful's adherence to doctrines to which they were and are absolutely bound.

Cardinal Ratzinger blithely sets aside the Church's traditional understanding of indulgences—remissions of the temporal punishment due to sin that remains once the eternal punishment has been remitted in Confession. This is all "very mechanistic," he explains. He then goes on to describe a lengthy (but not especially helpful) "new interpretation" of indulgences that cannot be reproduced here because of space considerations (but which curious readers may find on page 424). It is a good example of the ceaseless "reinterpretations" and "new formulations" to which hapless Catholics have been subject since Vatican II.

Ratzinger never gives Seewald a direct answer to his question about the status of the Jews. Is the Old Covenant salvific for them, or do they need to profess explicit belief in Christ? Unfortunately, Seewald does not press the issue.

In place of the evangelical urgency of the preconciliar Church, we have the vaguely Hegelian formula of the ecumenical establishment: Christian unity will be achieved not by the return of "dissidents" to a single Church but by a shared spiritual journey in which the religious sentiment common to mankind comes to its full realization in some new dispensation that is the exclusive possession of no single group. Ratzinger writes,

> As Catholics, we are persuaded that the basic shape of this one Church [in which Christian unity will at last be realized] is given us in the Catholic Church, but that she is moving toward the future and will allow herself to be educated and led by the Lord.

Pius XII said that the Mystical Body of Christ and the Catholic Church are one and the same thing, and, in 1949, the Dutch bishops, instead of attending an ecumenical congress, offered a Mass for "the return of the dissidents." Ratzinger, on the other hand, adopts the approach so in fashion in ecumenical circles these days: The Catholic Church, while constituting the "basic shape" of the Church of Christ, is not to be identified with Her absolutely. As we "go forward together" with the separated brethren, the true contours of Christ's Church will be revealed.

That Ratzinger's view of the Church is quite expansive is made clear when he remarks:

> I have nothing against it, then, if people who all year long never visit a church go there at least on Christmas Night or New Year's Eve or on special occasions, because this is another way of belonging to the blessing of the sacred, to the light. There have to be various forms of participation and association; the Church has to be inwardly open.

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None of my criticism is intended to imply that Catholics should not appreciate Cardinal Ratzinger's occasionally helpful comments, since, at times, he does serve to restrain the more obviously degenerate branches of modern Catholicism. Likewise, his statements in favor of the preconciliar liturgy have been bolder than those of any American bishop, nearly all of whom treat the traditional liturgy of their own Church as a contagion to be contained, while happily approving of guitar Masses and charismatic hysteria.

Those who consider Ratzinger a conservative, however, must be unfamiliar with his writings, with those of his genuinely conservative predecessors, or with both. By and large, the people who console themselves that, in Cardinal Ratzinger, they have an advocate in the Vatican are the same ones who weave apologies for the Republican leadership, whom they consider to be generally good men forced to compromise under adverse circumstances. A Taft Republican—or even an Eisenhower Republican—of the 1950's would have had nothing but contempt for the present Republican Party; and it can scarcely be doubted that the great Cardinal Ottaviani, who held Ratzinger's present post in the 60's, would be similarly appalled at the liberalism that today passes for conservatism in some Catholic circles.

Some people simply cannot bring themselves to believe that things are as bad as they are or cannot bear the loneliness that comes from positioning themselves outside the establishment. I wish I could share the optimism of those who choose to look at the world this way, but, as Ronald Reagan memorably observed, facts are stubborn things.

Thomas E. Woods, Jr., is associate editor of The Latin Mass *and coauthor of* The Great Façade: Vatican II and the Regime of Novelty in the Roman Catholic Church *(Remnant).*

It's the Stupids, Stupid!

by Paul Gottfried

Decade of Denial: A Snapshot of America in the 1990s
by Herbert London
Lanham: Lexington Books;
181 pp., $24.95

◆

Herb London's newest book, a relentlessly critical view of American morals and culture in the 1990's, makes two pivotal observations. First, the moral deterioration that journalists associate with the Republican "decade of greed" (the 80's) actually took place, partly thanks to the media, in the 90's. Second, the major impact of the Clinton presidency was moral:

> Americans appear to be lying to themselves throughout the decade. It is not the "economy, stupid" but culture that counts. A nation that cannot control its emotions cannot long sustain its prosperity. If norms can be discarded like used newspapers, then the characteristics necessary for success will at some point be undermined.

Referring to Clinton's lust and mendacity, London remarks that, "if Americans are shockproof, if a president can win support as long as the gross national product rises, political compromises of major proportions are possible." What the author is suggesting is that, if a population (which it may be wrong to regard as made up of citizens) can glorify a lying rake as its national leader, it may be ready to give up its liberties entirely.

London may understate the problem. What distinguished the Clinton years was the prevalence of a repulsive double standard. In return for Clinton's support for easily obtained abortions and draconian measures applied by government agencies against suspected sexists in the workplace and in education, this overgrown adolescent was given unlimited opportunities by the media and liberal opinion-makers to abuse women. And he could do so, in his palatial workplace or anywhere else, with legion defenders. Nothing resembling such *tartuferie* (what London appropriately calls "sanctimony") has been seen since Louis XIV enforced Catholic doctrine and public morals while devoting his private life to dissipation. Unlike Clinton, however, Louis upheld something like family institutions and financed a cornucopia of fine art, architecture, and literature, from which his nation continues to benefit. The fruit of the Clinton years is the cultural rot, characterized by rap music and academic victimology, whose putrescence London, despite his best efforts, can only begin to depict.

Scattered insights from this far-ranging jeremiad are worth recalling. Concerning the designation "postmodern," London asks how anyone could take seriously something "so blatantly self-contradictory." "How can a theory be beyond new? How much beyond can it be, and who determines that condition?" London is right to ridicule this fluffy term that self-important academics attach, cast into

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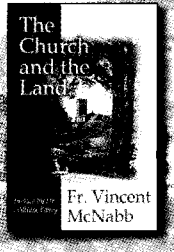

De facto chaplain to the Distributist movement, Fr. McNabb was among the most passionate of those seeking reform of economic life in the name of truly human values. In over 40 short essays, Fr. McNabb tackles subjects such as industrialism, morality and economics, working conditions, and the centrality of agriculture to the nation's economic life. Fr. McNabb's voice is that of the Church, with its concern for morality and the salvation of souls, in economic as well as all other aspects of man's daily life.
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mystifying phraseology, to their recycled leftist sociology. One cannot go beyond the modern, particularly from the left, whose defining ideology is hypermodernity generating Western self-hatred. London is also correct that what now marks rap and other pseudoartistic sludge as "art" is its offense, real or perceived, to the bourgeoisie. And he may be right in observing that the "counterculture composed of the adversaries of every bourgeois belief" has won a victory that can still be reversed. Although it does not seem likely, the antibourgeois culture that has taken hold in the last generation might be undone by a new adversary elite that has its own "guerrilla strategy for reclamation." This new elite, however, is not likely to come from either of the two major political parties—or from the giddy celebrants of the global market. The saving elite must represent an alternative culture—that is, it must be rooted in specific communities and speak for a traditional way of life. Otherwise, it will be nothing more than a variation on today's popular entertainment and multicultural gibberish.

The process London describes as cultural, moral, and educational decay began well before the 90's, and it might be objected, therefore, that it is inaccurate to lay all of these troubles at the doorstep of the Clinton era, particularly since some social problems, such as teenage pregnancy and urban violence, were, in fact, alleviated during that decade. London, who makes it clear that he is talking about a cultural trend extending over many years, would not deny this. The partial slowing of social breakdown, however, also has a demographic aspect: There are now fewer American teenagers, including those belonging to the underclass, than there were in the 80's. More significantly, the disintegration of the traditional family, the gutting of educational standards, the politics of victimology, and the war against traditional social virtues all continue to unfold. In this sense, the "decade of denial" marches on.

On a more pleasant note, I am happy to discover that Professor London, like me, grew up rooting for the Brooklyn Dodgers and loathing the New York Yankees. Like him, I admired Joe DiMaggio as a worthy competitor, albeit one who retired before I became a full-fledged baseball fan. Although I, too, adored Jackie Robinson, it was not for his achievement in breaking the race barrier with tact and restraint but for winning games for the team that my highly partisan relatives brought me to Ebbetts Field to watch. If Robinson had broken the color line while playing for the Yankees, I would not have liked him any better than I did, say, Mickey Mantle.

Paul Gottfried, a professor of humanities at Elizabethtown College in Elizabethtown, Pennsylvania, is the author, most recently, of Multiculturalism and the Politics of Guilt *(University of Missouri Press).*

Agonies of Intrigue

by Jeffrey Meyers

Byron: Life and Legend
by Fiona MacCarthy
New York: Farrar, Straus, and Giroux; 674 pp., $35.00

◆

Lord Byron was the most fascinating literary figure of the 19th century. Fiona MacCarthy's solid and competent biography covers the ground in great detail (the deformed foot, the scandalous exile, the endless wandering, the early death in Greece) but fails to engage our interest or do justice to its subject. Desperately straining to say something new about Byron's all-too-familiar life in the wake of the recent and equally hostile biographies by Phyllis Grosskurth (1997) and Benita Eisler (1999), MacCarthy emphasizes two unconvincing themes: his identification with Napoleon and his love for adolescent boys.

She ignores the fact that, in the stanzas on Spain in the first canto of *Childe Harold's Pilgrimage* (1812), Byron calls Napoleon a "bloated Chief," "Gaul's Vulture" and "the Scourger of the world." Seven years later, when asked who he thought was the greatest living man, Byron mentioned the pugilist John Jackson and the South American liberator Simón Bolívar. Constantly "in the estrum & agonies of a new intrigue," Byron took women as his aristocratic right and had 200 conquests during his 20 months in Venice. He married, slept with his half-sister, and had significant liaisons with the demented Lady Caroline Lamb, the voluptuous Lady Oxford, and the bold Countess Teresa Guiccioli. MacCarthy argues, however, in obsessive and tedious fashion, that his affairs with women were no more than diversions, that his relations with boys were his "real sexual predilections" and "main emotional focus."

MacCarthy equates homosexuality, often the platonic and mildly physical love of an older man for a beautiful youth, with sodomy. (The authorities she adduces for "Greek love"—Horace, Catullus, Virgil, and Petronius—were all Latin.) Byron called his relationship with John Edleston "a violent, though *pure* love and passion"; but MacCarthy, with no evidence, places it within the "thriving subculture of sodomy." Discussing another relationship, she dubiously claims that "the most likely explanation is that Byron allowed himself to be seduced by Lord Grey." Sixteen pages later, when she speaks of Lord Grey as "the man who had seduced him," her supposition has suddenly become fact.

Throughout the biography, MacCarthy adopts the prurient tone and malicious conjecture of a gossip columnist exposing a tawdry episode. She has mastered the technique of hypothetical condemnation and slants her arguments with scores of subjunctive phrases: "almost certainly," "it is possible," "may well be," "probability that," "esoteric innuendo," "partly if not mainly," "apparently," "maybe," "suggested," "would claim," "no coincidence," "not so unlikely," and "almost certainly." Though Teresa's brother Pietro Gamba definitively concluded that Byron never "slept in the same bed" as his young Greek page Lukas, MacCarthy maintains that they had a physical relationship and even claims (in yet another strained subjunctive) that his tenderness for a little Turkish girl "can be seen as one of Byron's desperate responses to Lukas's indifference." Her method inspires in the careful reader a deep distrust, if not revulsion.

MacCarthy never explains *why* Byron was bisexual and incestuous. As an aristocrat, he rebelled against middle-class morality; he believed bisexuality increased his understanding of human emotions and provided intriguing poetic material. He had a natural curiosity about new sensations and the extremes of sexual experience and wanted to extend the boundaries of what was socially, or even imaginatively, permissible. The taboo against incest is inspired by the fear of genetic disasters and sanctioned by intense social disapproval and harsh legal penalties. Few people can derive sexual pleasure

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from, or even conceive of, sexual relations with close kin. Byron's case, however, was different. He scarcely knew his half-sister, Augusta Leigh, was attracted to her in a narcissistic way, and—since she was pretty and willing—easily transcended the prohibition and did not feel terribly guilty about sleeping with her.

Most great fornicators, like Pepys and Boswell, confined their shameful behavior to private diaries. Byron talked about his sexual adventures to such friends as Lady Melbourne and, when she inevitably spread the gossip, was surprised by his social ostracism. Why, then, did he reveal his darkest secrets? Nothing was quite real to Byron until he wrote about it; his emotions overflowed, and he could not keep them to himself; he indulged in poetic license and emotional exaggeration; he did not feel ashamed about confessing, which established a powerful bond with his friends; and his revelations were (as Oscar Wilde observed) like feasting with panthers: The danger and risk of discovery were half the excitement.

MacCarthy makes a number of crude errors. She misspells Kunersdorf, says that oysters grow in soil, states that Byron was "banished" instead of going into voluntary exile and that the Guicciolis were "remarried," when, in fact, they never divorced. She absurdly calls Venice a "comic waterland" and mistakenly says that Pia de Tolomei in Dante's *Purgatorio* was either poisoned or exposed to lethal air. In fact, she was thrown out of a window of her husband's castle. MacCarthy also retails some wild exaggerations: that Byron read "about four thousand novels" (if that many even existed) by the age of 19, which would have meant one every day from the age of seven; and that another prodigy, a 16-year-old girl, "could recite the entire works of Shakespeare by heart."

Byron's seigneurial attitude toward women is anathema to feminist ideology. MacCarthy, therefore, prefaces her account of even his ordinary activities—mentioning friends, taking a bath, saving letters, wanting privacy in order to write—with pseudopsychological adjectives: effeminate, compulsive, obsessive, manic, schizophrenic, paranoid, sadistic, and pathological. She often contradicts herself about Byron's striking appearance and mercurial character. She mentions his "lobeless ears," which look perfectly normal in his portraits in her book, and maintains that Byron "was temperamentally unable to amend" while reproducing a heavily amended page proof of *Don Juan*. She writes of "his usual shyness at meeting with strange people" but emphasizes "his capacity for spontaneous intimacy." She describes Byron's Mediterranean travels through Portugal, Spain, France, Italy, Greece, and Turkey but does not provide a much-needed map to go with her handsome colored illustrations.

MacCarthy has nothing interesting to say about the poetry. She quotes Mary Shelley's description of Byron and Shelley in Pisa as a "nest of singing birds" without realizing that Mary was quoting Samuel Johnson on his days in Oxford. She merely calls the brilliant poem "She Walks in Beauty" a "transparent lyric"; and, by mistakenly connecting "Darkness" to the book of Revelation, misses Byron's clear allusion to Genesis—"the earth was without form, and void; and darkness was upon the face of the deep"—as well as the echoes of Milton's *Paradise Lost* and Coleridge's "The Rime of the Ancient Mariner."

Byron spent the last three months of his life in Missolonghi during the Greek revolt against Turkish rule. He attempted to reconcile the Greek leaders, control his private army of Albanian brigands, plan an assault on the fortress of Lepanto, and arrange for officers, arms, and money to be sent from England. He failed in all these objectives and was plagued by earthquakes and epilepsy, mutiny and murder. But Byron's union of art and action, political idealism and fight for liberty, flamboyant costumes and theatrical behavior, need to escape *ennui* and quest for danger, passionate desire to change the world by his own idiosyncratic effort, ambition to achieve military glory by fulfilling the destiny of a nation, and glorious failure and self-sacrifice established an irresistible model for romantic idealists. After his death from malaria or tick fever, his friends and publisher (most of whom had not even read them) attempted to "save" his reputation and their own by burning his memoirs "in the most famous sacrificial scene in literary history."

Though MacCarthy usefully traces Byron's legend, she fails to mention Henry James' great story "The Aspern Papers" (1888), in which the biographer is willing to do anything to get his hands on the papers of the famous poet (based on Byron) in order to discover his romantic connection with an old lady (inspired by Teresa Guiccioli) who has survived in a crumbling Venetian palazzo. And she does not mention Hemingway, the Byron of our time. Both men were powerful and astonishingly attractive to women, brilliant talkers as well as attentive listeners. They were great athletes, had their own boats, and kept a strange menagerie of animals. Both felt fasting intensified their mental powers but were heavy drinkers, lived most of their adult lives abroad, and spoke foreign languages fluently but incorrectly. They visited Constantinople in their youth and witnessed Greco-Turkish wars; they were attracted to military life and proved by their deeds that an author could also be a hero. The behavior of their fictional characters was widely imitated. Both achieved early fame and became legendary, charismatic figures, idolized by compatriots and their adopted countrymen. They left a permanent mark on their age and culture. Like Byron, Hemingway preferred to die rather "than to drag on an existence with faculties impaired, and feelings blunted."

Jeffrey Meyers, the author of recent biographies of Gary Cooper, George Orwell and Errol Flynn, has just completed a life of Somerset Maugham.

LIBERAL ARTS

DEEP THOUGHTS FROM BILL BENNETT'S GHOSTWRITER

"Freedom enabled and tyranny disabled is a wonderful thing to behold—and cherish. One sees the scenes in the south, middle, and north of Iraq and is taken back to the Berlin Wall just over a decade ago; one sees these scenes and wishes them for other oppressed peoples from Iran to China. . . . We have, yet again, deployed our power to liberate Muslims, even though it has often been Muslims who have attacked us. But that is who we are; and the dividend of Muslim democracy, however long it takes to entrench, will be worth the effort. The soul yearns for freedom, the arm brings it: we can take a good measure of repose in knowing we provided the strength behind both."

—*William J. Bennett, from an April 9 symposium on* National Review Online

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by Samuel Francis

Treason Prospers

As I (along with just about every other armchair strategist in the Western world) correctly predicted last year, the United States launched her war against Iraq in the early spring of 2003, but by the time she did so, the path of treason along which this country had been dragged to war was plain to see. A month before the war began, on February 23, Tim Russert of NBC's *Meet the Press* asked Richard Perle, an advisor to former Likud Party leader Benjamin Netanyahu and a Bush administration official, if the United States was trying to dethrone Saddam Hussein for American or Israeli interests. Mr. Perle blandly asserted the former, but the *Forward*, America's leading Jewish newspaper, noted a few days later that, if Mr. Russert could ask this question publicly of Mr. Perle, then "the toothpaste is out of the tube." The very day that President Bush issued his ultimatum to Saddam Hussein and his sons to get out of Baghdad in 48 hours, Paul Krugman wrote in the *New York Times*, "It's a matter of public record that this war with Iraq is largely the brainchild of a group of neoconservative intellectuals who view it as a pilot project." Sir John Harrington, it seems, was wrong. Treason doth prosper, and, at least on this occasion, a good many Americans are beginning to call it by its proper name.

If Harrington was wrong, Samuel Johnson was right. Patriotism is indeed the last refuge of scoundrels, and the cabal that had been exposed in the press as the traitors they are predictably began to wrap themselves in Old Glory and whine that those who had exposed them were the real agents of treason. The carpet of "anti-semitism" on which they usually tread had been worn so thin by repeated and irresponsible use that even the neoconservative Likudniks knew better than to stand on it alone, though they were unable to resist strutting on it one more time. As American troops marched into the war they had caused, neoconservatives launched their own, considerably safer offensive against their principal enemies on the political right.

The main attack came from David Frum, the former presidential speechwriter who is usually credited with inserting the phrase "Axis of Evil" in President Bush's 2002 State of the Union Address and the author of a recently published memoir of his adventures in the Bush White House. The Frum piece appeared first on *National Review Online* on March 19, the very day the war started, but it was later published as the cover story of the April 7 issue of *National Review*.

The burden of Mr. Frum's article is by now well known, and, within a few days of its appearance, any number of conservative responses, counterattacks, denunciations, satires, and parodies had appeared (including my syndicated column of March 28). Nevertheless, because a good deal of his attack concerns me personally and the "paleoconservatism" with which *Chronicles* is associated, a further and rather more detailed discussion of its claims is in order.

Mr. Frum's major claim, disclosed in the title of his article, "Unpatriotic Conservatives," is that "Some of the leading figures" in the "antiwar movement" "call themselves 'conservatives'" and, though "relatively few in number," are aspiring

> to reinvent conservative ideology: to junk the 50-year-old conservative commitment to defend American interests and values throughout the world—the commitment that inspired the founding of [*National Review*]—in favor of a fearful policy of ignoring threats and appeasing enemies.

Moreover, not only are these charlatans not real conservatives, they are also . . . well . . . enemies of the United States.

> They have made common cause with the left-wing and Islamist antiwar movements in this country and in Europe. They deny and excuse terror. They espouse a potentially self-fulfilling defeatism. They publicize wild conspiracy theories. And some of them explicitly yearn for the victory of their nation's enemies.

Much of the remainder of Mr. Frum's article is an effort to substantiate these claims, but, first, he names names.

Some are famous: Patrick Buchanan and Robert Novak. Others are not: Llewellyn Rockwell, Samuel Francis, Thomas Fleming, Scott McConnell, Justin Raimondo, Joe Sobran, Charley Reese, Jude Wanniski, Eric Margolis, and Taki Theodoracopulos.

Mr. Frum then adduces a series of quotations from some of these gentlemen that are supposed to corroborate the very serious charges he has just made. The quotations range from insinuations of an Israeli role in the September 11 attacks to insightful comments on the crisis in the Middle East; not a single one, however, supports Mr. Frum's charges. Making common cause with the "left-wing and Islamist antiwar movements," for example, turns out to be nothing more than that some "paleo" antiwar websites link to some antiwar websites of the left. (Frum cites no instance at all of any links to "Islamist" sites or any other "connection" with "Islamist" causes.) So what? Websites often link to others with whom they disagree, merely for information-sharing purposes and to attract the readers who know about one site to check out another; no one thinks that such links constitute sympathy or agreement, let alone any substantive "connection," and they hardly constitute "making common cause" with anti-American forces, even if that is an accurate description of some of the individuals or organizations to whom the links are connected.

In any case, Mr. Frum, while routinely denominating all of the "unpatriotic conservatives" he names as "paleoconservatives," manages to lump in several people of substantially distinct points of view: establishment Republican Bob Novak; libertarian isolationists Lew Rockwell

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and Justin Raimondo; ex-neoconservative Scott McConnell; and plain-vanilla liberal Eric Margolis. Whatever the merits of these men's commentary on the Iraq crisis, Frum is entirely inaccurate when he says that "the writers I quote call themselves 'paleo-conservatives.'" Some do, but several don't, and most *soi-disant* paleoconservatives themselves would not call them such.

The remainder of Mr. Frum's article consists of a deeply flawed account of the emergence of paleoconservatism, and it is evident that he either has not consulted or has contrived to ignore almost all the standard accounts of the same subject—Thomas Fleming and Paul Gottfried's *The Conservative Movement*, Dr. Gottfried's revised monograph of the same title, and Joseph Scotchie's recent *Revolt From the Heartland.*

Mr. Frum quotes my review (in the *American Conservative*) of Scotchie's book to prove that we are all newcomers to the right. "While paleos sometimes like to characterize their beliefs as merely the continuation of the conservative thought of the 1950s and '60s," I wrote,

> and while in fact many of them do have their personal and intellectual roots in the conservatism of that era, the truth is that what is now called paleoconservatism is at least as new as the neoconservatism at which many paleos like to sniff as a newcomer.

My point was that, *as a movement*, paleoconservatism is relatively new and, as such, postdates neoconservatism, although the principal paleo writers are mostly old conservatives with the roots I mentioned. Mr. Frum has essentially committed the fallacy of division—attributing to the members of a group (paleoconservatism as a movement) a trait (newness) that properly is an attribute of the group itself.

Mr. Frum also boasts that "I happen to have been in the room when 'paleoconservatism' first declared itself as a self-conscious political movement," a moment he identifies with a speech criticizing the neoconservatives as "modernists" by conservative historian Stephen Tonsor at the Philadelphia Society in 1986. Sorry, but I was there too, and that was not the kick-off for the paleos. Paleoconservatism had already emerged in embryonic form in reaction to the neoconservative smears against M.E. Bradford during the controversy over the chairmanship of the National Endowment for the Humanities. That was in 1981. Its second big step was the acquisition of *Chronicles* in 1984-85, and its third and most defining moment was probably the spontaneous formation of a united paleo opposition to the Gulf War of 1991. As for Professor Tonsor's speech, Gottfried and Fleming wrote in *The Conservative Movement* (1988) that "the Christian Aristotelianism—or neo-Thomism—that Tonsor considered essential to the intellectual Right had never been more than a minority position among postwar conservatives." In any case, it was *National Review*, not *Chronicles*, that eventually published Dr. Tonsor's speech, now tagged as "antisemitic" by the neocons.

By now, it should be reasonably clear that Mr. Frum, in fact, knows virtually nothing about the people he is attacking. He commits several factual errors about the history of The Rockford Institute (it was not Fleming who "sacked" Pastor Richard John Neuhaus in 1989; Fleming would not become president of The Rockford Institute for another eight-and-a-half years) and the Bradford NEH controversy (Bradford had been a Wallace supporter in 1968 but had supported Reagan in 1980 and had brought many Wallace Democrats over to the Republican victory of that year—one reason he deserved a substantial appointment). At no point in Frum's article is there even a glimmer of an effort to understand the intellectual substance of paleoconservatism, its critique of both neoconservatism and conventional conservatism, or the variations within the paleoconservative fold. He cites a passage from a 1991 essay to sneer at my argument that Old Right intellectuals were "isolated from America's grassroots." My point was actually somewhat different—that Northeastern WASPs, who had constituted the core ethnic and religious group in American history, had begun to embrace the triumphant liberalism of the New Deal (*la famille* Bush is a case in point) and that it was figures from such historically marginal groups as Catholics, Jews, and Southerners who were the main voices of intellectual conservatism after World War II. For Mr. Frum, the passage is merely an occasion for snideness: "No wonder then that these fringe characters were able to achieve nothing more impressive than the election of Ronald Reagan and victory in the Cold War." In fact, "these characters" did not elect Reagan. It was such "characters" as Mel Bradford and the Reagan Democrats he helped to bring into the GOP who accomplished that. As for the Cold War, most conservative intellectuals of the 60's were dead or long retired by the time the Soviet Union collapsed.

Aside from the factual boo-boos that expose his lack of familiarity with his subject and his obsession with "exposing" the paleos as merely a pack of hatemongers, Mr. Frum is mainly concerned to show that what calls itself "paleoconservatism" is, in fact, not really conservative at all. Here, his article actually becomes funny.

Chronicles, Mr. Frum writes,

> advocated protectionism for American industry and restrictions on nonwhite immigration. It defended minimum-wage laws and attacked corporations that moved operations off-shore. And it championed the Southern Confederacy of the 1860s and the anti-civil rights resistance of the 1960s.

Whether or not *Chronicles* formally endorsed these positions, Mr. Frum is (for once) correct that most of them more or less represent what most paleoconservatives did and still do believe (though I couldn't tell you where he got the minimum-wage laws).

Paleos support most of the things Mr. Frum mentions here for a fairly simple reason: We are conservatives, in tune with the roots of conservatism in ancient, medieval, and modern thought, and most of us began learning our conservatism from the masters who taught it at *National Review* in the 1950's and 60's. Protectionism, while not much of an issue in that era, is the historic policy of the Republican Party; its opposite, free trade, is the policy of such liberals as Woodrow Wilson and Franklin D. Roosevelt and has been associated with the political left since the days of Immanuel Kant. Immigration control (including restrictions to preserve the nation's ethnic balance) was supported by all conservatives until the 1980's. The 1965 Immigration Act that created our current flood of Third World immigrants was a child of the Kennedy and Johnson administrations, and its main Senate floor manager was Ted Kennedy himself.

As for the Southern Confederacy, Southern conservatives such as Richard M. Weaver and M.E. Bradford were always welcome at *National Review* in better days, and several of its leading editors

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rejected Lincoln and his legacy. Such major conservative intellectual figures as Russell Kirk (who called himself a "Northern Agrarian") respected and praised the Confederacy and the Southern tradition. The states' rights and strict constructionism to which the Confederacy and her forerunners adhered was the principal conservative theory of the Constitution in that era—and still is among real conservatives.

It was *National Review* itself (along with Barry Goldwater) that championed resistance to civil-rights legislation in the 1960's. "The central question that emerges," *National Review* stated in a 1957 editorial,

> is whether the White community in the South is entitled to take such measures as are necessary to prevail, politically and culturally, in areas in which it does not prevail numerically. The sobering answer is *Yes*—the White community is so entitled because, for the time being, it is the advanced race. It is not easy, and it is unpleasant, to adduce statistics evidencing the cultural superiority of White over Negro: but it is a fact that obtrudes, one that cannot be hidden by ever-so-busy egalitarians and anthropologists. *National Review* believes that the South's premises are correct. . . . It is more important for the community, anywhere in the world, to affirm and live by civilized standards, than to bow to the demands of the numerical majority.

Today, no one would advocate legally enforced racial segregation, but the principle to which the editorial subscribed—that the preservation of civilization should take precedence over democratic majoritarianism and liberal abstractions—remains as valid now as it was then. European-Americans of the future will do well to remember that principle when the mass immigration the neoconservatives have supported has made us a minority in our own country.

What Mr. Frum has essentially accused paleoconservatives of being, then, is *National Review* conservatives of the 1960's. It is not surprising that he finds these professions strange, since he and his neocon cronies have never been conservatives at all. In one passage of his attack essay, he accuses me, after what seems to be an entirely fabricated quote, of arguing that "the time had come for conservatives to jettison their old commitment to limited government." I have repeatedly written in defense of limited government both in *Chronicles* and in my syndicated column, but the plain truth is that the neoconservatives champion "Big Government conservatism" (a phrase popularized by neocon Fred Barnes, now of the *Weekly Standard*, and applied in veneration to Jack Kemp, Newt Gingrich, Phil Gramm, and Dan Quayle). In 1997, liberal *Washington Post* columnist E.J. Dionne could find nothing but praise for neoconservative Bill Kristol's embrace of liberal big government: "New Dealism doesn't bother Kristol," Mr. Dionne rejoiced. "Franklin Roosevelt and John Kennedy and, for that matter, Lyndon Johnson are big facts in American history," Mr. Kristol told him. "Are we willing to say that the country is worse off because of FDR or JFK or LBJ? I'm not willing to say that." Neither is Mr. Frum, but the old *National Review* was, and paleos today still are, even as Mr. Frum serves up his lies about the paleos jettisoning the conservative commitment to limited government.

Mr. Frum's original complaint about the paleos was that they were "reinventing" conservative ideology by abandoning "the 50-year-old conservative commitment to defend American interests and values throughout the world—the commitment that inspired the founding of [*National Review*]." Again, he is simply lying when he claims to be voicing the commitment of *National Review* at its founding. His views are not the conservative and anticommunist internationalism of James Burnham and similar *National Review* editors of that era but the liberal globalism of Woodrow Wilson. As Mr. Frum told the *Boston Globe* a few days after his *National Review* article appeared, "The big story, it seems to me, is the ascendancy of neo-Wilsonianism on the political right, not neo-imperialism." His fellow neocons prefer the franker word *imperialism*, as Max Boot and Charles Krauthammer made clear in the same article; call it what you will, however, it is not what *National Review* originally stood for; it is not conservative; and it is not American.

Had he done any real research, Mr. Frum might have learned that I happen to be the author of a study of the political thought of James Burnham, the principal architect of conservative Cold War anticommunist foreign policy and strategy, and that Burnham, a founding editor of *National Review*, remains a major mentor of mine. (A full-scale sympathetic biography of Burnham was published last spring, but only in December did *National Review* finally get around to reviewing it.) I could have explained to him, as I do in the new edition of my book, that Burnham's and *National Review*'s interventionism was predicated on the war against international communism, and that war is over; moreover, Burnham himself often altered or adapted the policies he advocated to the changing circumstances of his era. To boast, as Mr. Frum does, of adhering to the same foreign policy that was appropriate in the 1950's nearly 60 years later is both stupid and dangerous to this country.

But then, to a Likudnik like Mr. Frum, what happens to this country is largely irrelevant. It is Israel that he really cares about, and, if Americans have to die for her interests, if our traditional allies in Europe come to despise us, if Turkey bolts from granting us airspace, if the Arab peoples come to hate us and wage a generation of terrorism against us, so what, as long as Eretz Israel survives and the Likud fascism of Ariel Sharon flourishes? After all, as his fellow Likudnik Michael Ledeen brayed soon after the war with Iraq started, "I think the level of casualties is secondary." We all know where their primary loyalty lies. As Robert Novak, reviewing Mr. Frum's recent self-serving account of his White House speechwriting experience, commented, much of the book is merely "a brief for Sharon's Israeli policy."

Mr. Frum's own agenda is obvious enough, and it includes a desperate and dishonest attempt to discredit the only authentic school of conservatism that challenges the degradation and perversion to which neoconservative dominance has delivered both the American right and the American nation. The ideological bloodletting for which Mr. Frum is lusting is long overdue, but, when the mass of real conservatives who remain authentic patriots understand what he and his pseudoconservative cronies really want and what they have really done, the blood that will spill is more likely to be theirs. c

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by Scott P. Richert

War Is Hell on the Homefront, Too

Depending on whether you like them thin and greasy or thick and meaty, the two best purveyors of french fries in Rockford are Uncle Nick's Gyros on East State Street and Altamore's Ristorante on North Main. Neither the mythical Uncle Nick nor the very real Alberto Altamore, I'm happy to report, has fallen prey to pro-war correctness and renamed his potatoes "freedom fries." While the Rockford contingent of David Frum's "unpatriotic conservatives"might be expected to continue munching happily away on the "surrender monkey" spuds, an amazing number of patriotic Rockfordians also seem willing to set aside their deepest convictions when it comes time to get their fix of salty carbohydrates.

Rockford and, indeed, the entire Upper Midwest have been through this before. (I was going to write "*Plus ça change*," but I wouldn't want to give the girly-boys at *National Review* any more ammunition.) Despite having the largest population of Germans in the United States, the Upper Midwest fell prey to anti-German hysteria in World War I and World War II, and hundreds of streets, buildings, and even towns were renamed. Here in Rockford, Berlin Avenue became Rockford Avenue; Berlin, Michigan, 20 miles east of my hometown, became Marne. (Rumor has it that the Marne city council is now considering punishing the French by adopting the moniker "Kuwait City," in honor of our heroic ally in the Coalition of the Willing.)

Liberty cabbage, hot dogs, Salisbury steak—such semantic games should be embarrassing for adults, though they might make a mildly amusing pastime for children if real people weren't affected by them. But unfortunately, they are, as the proprietor of one acclaimed Rockford restaurant can attest.

On March 13, the local Gannett paper published an article in its "Life&Style" section, listing a number of things that would have to be eliminated in order to "to get rid of the French influence in America." Now, both Tom Fleming and I have been very critical of the *Rockford Register Star* in these pages over the years, but, in this case, I do think that the article, entitled "Au Revoir," was meant to be tongue-in-cheek. The trouble, however, is that the folks—um, liberty people—at the news tower wouldn't know good humor if it bit them on the derrière. (One problem with being a "patriotic conservative" is that it unnecessarily limits your vocabulary.) At best, portions of the article were mildly amusing; most people, however, found it somewhat confusing, especially since it seemed to call for a boycott against specific Rockford businesses, most notably Rockford's premier (read: only) French restaurant, Café Patou.

Combine a poor sense of humor with a politically charged issue, throw in a dash of war, and nothing good is likely to come of it. Philippe Forcioli, a French emigré and former chef at Harry's Bar in New York, opened Café Patou 11 years ago. A longtime advertiser in the *Register Star*, he was "stunned that my restaurant, which helps support local families, was targeted for extinction simply because I came here from France with some of my favorite recipes," as he wrote in a column in the local weekly, the *Rock River Times*. (The *Register Star* published the column on the same day, March 19.) He correctly predicted that "Life&Style" editor Jennie Pollock "will try to excuse this as a misguided attempt at humor" but noted that "it is hard to laugh when you are turned into a target."

Near the end of his column, Forcioli prophetically noted that "it is irresponsible for Pollock to publish a piece that encourages hate crimes as the number of attacks against French-Americans increases due to tension between governments." But Pollock and her fellow editors at the *Register Star* stubbornly stood their ground.

Indeed, in a forum on the *Register Star*'s website, Pollock proved her inability even to comprehend that she might have done something wrong, writing "I am surprised at today's response. In writing the 'Au revoir' piece, the Life&Style staff was not calling for a ban on French products. Such a movement is ridiculous and a waste of time. But everyone is entitled to an opinion." A simple apology and an acknowledgment that the article wasn't very funny might have gone a long way toward smoothing things over with a longtime advertiser, and it might have helped prevent what happened next.

Around 5:00 A.M. on Sunday, March 23, a few hours after Tom Fleming and *Rock River Times* editor Frank Schier had demonstrated their lack of patriotism by dining at Café Patou, someone apparently decided to prove his patriotism by smashing a window, breaking into the restaurant, and pouring a solvent of some kind on several cases of wine, the bar, the wood floor, and the front desk. Alerted by his alarm company, Forcioli discovered the vandalism and called the police. Nothing seems to have been stolen, and the police are investigating the incident as a possible "hate crime."

According to the *Rock River Times*, it took a crew of ten people almost 24 hours to return Café Patou to the point where it could be reopened, though further repairs are needed. Forcioli estimates that the restaurant suffered $10,000 worth of damage.

In the wake of the incident, you might have expected the *Register Star* to issue at least a simple statement decrying the action (even if the paper could not actually apologize, for fear of opening itself up to a lawsuit). Instead, asked by the *Rock River Times* whether she felt any responsibility for the incident, executive editor Linda Grist Cunningham merely replied, "No, and I have no further comment."

When the war in Iraq is finally over and some modicum of sanity has returned to public discourse, FOX News loudmouth Bill O'Reilly and Christopher Ruddy of NewsMax.com (the chief sponsors of the boycott of France) should join Cunningham and Pollock in beating their breasts and proclaiming "*mea culpa, mea culpa, mea maxima culpa*." Of course, if they should find that too Christian for their taste, I'm sure that Philippe would settle for a heartfelt *Pardonnez-moi*.

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Letter From Illinois

by John Kilgore

Flag Country

◆

I live in flag country. Here in east-central Illinois, amid the corn and soybean fields, the whistle-stop towns on their grid of well-maintained blacktops, the Stars and Stripes are as common as blue jeans. The banner flutters from angled rods on the pillars of wraparound porches, flies from big poles in front of white two-story farmhouses. On the Fourth and Veteran's Day, it multiplies like dandelions around the old squares and along the parade routes. Driving up Illinois 130 to Champaign, my wife and I pass a barn whose owner sometimes displays an Old Glory two stories tall. We always wonder where he could have gotten such a thing.

If your needs are more modest, however, you can buy flags at Rural King or Wal-Mart or truck plazas over on the interstate. You can buy flag license plates, flag jackets, flag backpacks, or packages of miniature flags on toothpicks for your kid's birthday cake. Pickups sport flag decals in the back windows, right beneath the gunracks, leaving space on the bumper for more explicit slogans: "God, Guns, and Guts Built America—Let's Keep All Three." More often than you might expect, you drive past some old house and note *two* flags flying: Old Glory and the Confederate Battle Flag.

Somehow I never quite get it. As far back as the 50's, learning the Pledge as a first-grader in Albuquerque, New Mexico, I remember a sensation of uneasy puzzlement in regard to the flag. What did "indivisible" mean, and what did it have to do with that bit of colored cloth? If I was loyal to the country itself—"the Republic of Richard Stans," as, supposedly, a child once transcribed it—why should the flag matter? Wasn't the whole thing a little screwy? More than four decades later, the same questions still nag a bit. Driving past fields of glinting corn in an air-conditioned car, I appreciate my great good luck in being an American, but I still can't say quite how the flag figures into it. A flapping talisman, an idol we thank for blessings explicable on other grounds, it brings in an uncomfortable note of the primitive.

A paradox of flag country is that it makes so poor a microcosm of the thing signified—America, that "teeming nation of nations" sprawled across eight time zones. Here in Coles County, we are about 90 percent white, at least 95 percent Christian, 60 percent Republican. The terrain is regular as wallpaper, and I know people who have never crossed the Mississippi or the Appalachians. Dwellers on the coasts refer to us, unkindly, as "flyover country." So why, you wonder, should we feel so keen to affirm our solidarity with them? The paradox can grow sharper when you ask your patriotic neighbor who "loves America" how he feels about any *part* of it—whereupon he gives you an earful concerning those rich liberals in New York, those tree-hugging loonies in California, those racist Neanderthals down south. Only the larger construct, "America" as a mystic totality, is sacrosanct; everything smaller seems to be fair game for a little healthy slander.

Probably none of this is as strange as I am making it, however. Unity, in our robust American practice, is not the absence of discord but the very thing that makes discord possible. We Americans are like members of a big backwoods family, competing and quarreling day and night, but only until some outsider affronts one of us: Then we close ranks like a trained phalanx. It is *because* your brother is your brother that you can tell him he is dumber than mud, useless as tits on a bull. The flag serves as a wordless reminder of bottom-line loyalties, pulling together at least a few of the contradictions we live by. At sporting events, we sing to it *before* the combat starts, not after.

So if we in flyover country wave the colors more than our colleagues on the coasts, it is not from one-sided affection but a fairly sober intuition of our circumstances. On some level, we are like the kid in high school who always shouted the loudest at pep rallies, trying to enhance his individual status by the slightly paradoxical strategy of losing himself in the herd. Finally, though, and most of all, the flag is our license to be as different and disagreeable as we like. Dangling there at the corner of your porch, it forestalls any ultimate misunderstandings, so you feel free to lean back, spit, and vent your true opinions about those fools in Washington or California. That flag really does make you feel free. No wonder you love it.

Draped as bunting near the lattice on a widow's porch, set low among the tombstones in a country cemetery, the flag can seem humble, reverent, submissive. And yet, of course, it is a badge of aggression, a flung glove, a line drawn in the dirt. The banner itself no longer features a coiled serpent with the legend "Don't tread on me," but the message is still there, and the most vivid icons of the cult are all martial, as in the national anthem and the Iwo Jima memorial. The gaudy colors suggest territorial display, like the bright plumage of male birds, and, on occasions like the Fourth, the display escalates to "threat behavior," with fireworks and military parades.

This fusion of opposite messages—hostility and amity, union and discord—corresponds to the familiar way that group membership splits the world up between friend and foe, insider and outsider. "Groupness"—that basic tendency to form up into cliques, teams, or clans that then compete for dominance—ranks among the strongest of human drives, deeply bred into the species during our evolutionary prehistory. Groups of every kind are glued together internally by mutual love and esteem, but only so they can project fierce competitiveness (and worse) toward rival groups. In such contexts, hate and love are really the most intimate of symbiotes, each requiring and fortifying the other; "team spirit" means loving your brother so the two of you can efficiently bash someone else. Small wonder that the flag, denoting group identity at a very fundamental level, should express an uneasy blend of opposite emotions. If its associated fantasies of combat seem weirdly prettified, the reason is that they have begun to warp into love messages, the violence expressing not its gritty self but the individual's sublime devotion to the country. If the prescribed expressions of that love ("God bless America!") seem a bit wooden, the reason may be that irrepressible competitiveness and aggression loom a bit too close for comfort. Still, it all hangs together, if only just: Contentment and resentment, love and hate, submis-

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sion and testy pride all blend into that gummy, improbable, unfocused, but basically sincere emotion we call "patriotism."

Nation-states, it has been said, are the natural children of war, pressed into existence by the exigencies of mass combat in the gunpowder era. Ersatz constructions, defensive alliances on a staggering scale, they lack intrinsic emotional resonance, given that our instincts are designed to function at the tribal level. But somehow, over the millennia, we have learned to displace the passion of groupness to progressively larger constructs—tribe, village, fiefdom, nation—until we can feel remarkably personal attachments to peoples unseen and regions unvisited. The flag seems to be a key piece of equipment we use to accomplish this marvel of psychic engineering. Rendering "country"—that unimaginably vast construct—at least somewhat immediate, it gathers the group emotion to itself, then redistributes it across the continent, like the IRS making wise use of your tax dollars. In the process, as an altogether lucky fringe benefit, it seems to give us a better grip on the dark side of the instinct. Waving the flag at imagined enemies, we can experience something like a wartime strengthening of group feeling without the great inconvenience of actual war. Saluting the flag, serenading it, marching it up and down Main Street while strings of Black Cat firecrackers explode behind the bushes—these look like civilized, immensely preferable alternatives to pogroms, lynchings, and war itself.

So, of course, no *actual* combat is in prospect in those well-kept parks where we gather on the Fourth, well after sundown, to swat mosquitoes and wait for the fireworks. The mood remains supremely peaceful, because all the hostility has been deflected toward an entirely theoretical enemy who—what luck!—never shows up, a ritual surprise that renders our mock mobilization a pure (if rather dull) celebration of brotherhood.

Still, it should not seem strange if the hand a first-grader holds over his heart as he recites the Pledge, believing himself the only one who doesn't quite understand, trembles a bit. Just beneath the surface of the ritual lurk bloody possibilities, palpable hints of all the bad things that can happen if your group loses or if (worse yet) you have no group.

Every year as the Fourth approaches, a country song by Lee Greenwood plays incessantly on the radio: "And I'm proud to be an American, / Where at least I know I'm free; / And I won't forget the men who died / Who gave that right to me."

No fan of country, I grit my teeth at the water-torture tempo, the tuneless tune, the hammering obviousness of the sentiment. But just as I reach for the SCAN button, that wonderfully strange "at least" arrests me. At least *what*, at least *why*? Right in the midst of his overflowing *amor patria*, the speaker seems to blurt an admission of shamefaced inferiority. Of course, patriotism likes to imagine itself on the defensive, and on one level we seem to be harking back (improbably enough) to an archaic sense of America as Europe's struggling younger brother. Given the twang in the speaker's voice, though, "at least" can suggest not his embattled state *qua* American, but *qua* Appalachian, Southerner, or grass-stem-chewing native of flyover country. And then, suddenly, he seems not to be celebrating America but to be complaining about his place in it, hinting at inequities and injuries even as he bravely affirms his devotion. A little masterstroke of passive aggression, "at least" lets him have it both ways, like my neighbor flying both Union and Confederate flags, identifying with both victor and vanquished.

Meanwhile, it is impossible to know who "the men who died" might be: The Revolutionary War seems too distant, and no other soldiers of American wars can be said with much plausibility to have given civil rights to the rest of us. But, of course, that is the point: The image of prettily dying men (*not* women) is as theoretical and *pro forma* as the nonspecific enemy who threatens on the Fourth. "I won't forget" means not that the speaker can tell you the dates of the battles (count on it), but that he, too, will fight if called. Feminists, I suspect, must feel that he is paying himself rather well for deeds as yet undone, subtly claiming warrior status in the act of paying homage.

None of this makes me appreciate "God Bless the U.S.A." any better as music, but I begin to admire it as a shrewd little piece of social engineering, an honorable rendezvous with the least common denominator. Bad taste and a certain cluelessness may be part of the machinery of empire, necessary adjuncts of citizenship in anything as large and unlikely as America. The ugly American, that witless philistine who so baffles (and sometimes terrifies) our European cousins, may be just another mask of the competent Yankee. You do not cobble together an empire of eight time zones and countless ethnicities by insisting on fine distinctions or indulging chancy departures from the official line. What you want, if you are the psychopolitical engineer assigned to the task, is a maximum of fervor, a minimum of substance. You want a flag—*the* flag—with its mysterious power to mobilize emotion on behalf of the unspecified. Not a slogan, not a program, but a mute physical thing, standing only for "America"—a place always yet to be discovered.

So it turns out that not getting it *is* getting it. When we stand at the beginning of a ball game to sing the anthem that commemorates a battle not one in a hundred of us can name, fought over issues we can't imagine, vagueness is the point, the whole essence of the ritual. To be pliant, vague, indeterminate, and a little confused, even as the putty of your indecision is about to harden into the flinty resolve that is the famous other side of the national character—this is the height of Americanism. Patriotism is being for whatever it is we are for, absolutely, before we are even for it. But it is also the obdurate fractiousness that—thank heavens—unsettles every consensus thus formed.

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Letter From London

by Andrei Navrozov

The Poet Player

◆

Were the contemporary Paris audience of *The Gambler* to hear, as the curtain went down on Jean-François Regnard's minor comic masterpiece of 1696, that the apparently chance sequences of dice values in a game of hazard like backgammon can be shown to obey certain mathematical laws, which are knowable, they would have laughed more heartily than they ever laughed at a rogue's downfall. And yet the play was being performed nearly 50 years after Pascal, in reply to a backgammon player's query, had formulated the fundamentals of the theory of probability with an elegance still admired by Laplace in the 18th century, when the practical usefulness of this branch of mathematics was first appreciated.

Appreciated by some, yes; generally

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understood, no; part of the human psyche, not at all. In the 19th century, in *The Queen of Spades*, Pushkin describes the game of pharaoh, in terms that are mystical and diabolical, embellishing his narrative with signs, omens, dreams, visions, and ghosts. And I would guess that a U.S. Army officer in 1945, wishing for 21 in some subterranean hotspot of the gay Europe he thought he had liberated, would still regard his good fortune and probable misfortune with the same mumbo-jumbo apprehension. Then, in 1962, came Ed Thorp.

I am not writing a history of gambling. Suffice it to say that, with the publication of Thorp's book, *Beat the Dealer*, and subsequent headline-grabbing exploits by other card-counters, such as the irrepressible Ken Uston, in the 1970's, the idea that casino blackjack—when played, essentially, by mathematicians—is a rational, calculable, mathematically winnable game finally entered the public consciousness. Now everybody knows that if you are something of a nerd, you can get yourself to Vegas and win all the money you want playing cards, except that they won't let you, of course, because they'll throw you out on your ear.

Roulette is different—which is why I play it, of course—yet the rational component at work in the physical apparatus of the wheel is so absurdly evident that, in 1966, it led the same Thorp, with the help of a team of enthusiasts calling themselves Eudaemonic Enterprises, to design a "wearable computer" that would correctly predict the neighbors section of the wheel where the ball was likely to land on the basis of measurements of its initial speed. So, if I were to tell you, and you were to believe, that I—like many others I know in London—have the nerdy talent for taking the measurements in question with the eye and the ear and then adjusting the vital prediction according to the spinning style of an individual croupier, roulette would be as thoroughly demystified in 2003 as cards were 40 years ago. After all, a good tailor, a good painter, or a good tennis player may be said to do well without the computer what so many others do badly with it. Why not a good gambler?

But let us not demystify the game *too* much, as I say, or else there is no joy playing it. Rather, believe the poet in the player when I solemnly swear that, every time he spins the wheel, the professional croupier writes a line of rhyming verse. When he is a relative neophyte, or exceptionally tired, or unusually distracted, its pattern may be very easy to follow, forming an uncomplicated quatrain like ABAB or even a sequence of AABB couplets, meaning that the ball will come down alternately on just one of two neighbors sections of the wheel, with five numbers in each. Such a lapse into pastoral simplicity will give the player at worst a 3.5 to 1 and at best a sevenfold advantage over the house, something like shooting fish in a barrel. But even a seasoned and attentive croupier, who may take the player into the maze of complexity that is an Italian sestina, a French roundel, or an English triolet, will invariably come up with a composition that, if not always memorable, is at least readable. For nature abhors *vers libre*.

It is the search for symmetry in the apparent chaos of the roulette microcosm that is the intoxication of the game. Its physicality—hence rationality, and therefore predictability—enters the picture only insomuch as it mimics the phenomenal macrocosm in which the gambler lives. Thus there is no denying, for example, that certain inherited genetic traits materially affect the way I think and act, yet the larger matter of why and where and how the genes in question entered what later became my person is a kind of genetic lottery. There is no denying the material fact that one cannot play, and especially lose, at plush London casinos without having the money to do so, but the improbably tortuous path by which the money made its way to my pockets is a matter of sublime chance. There is no denying that Emily Dickinson, like the world around her, was made up of some corporeal and tangible substance, yet it was in possibility that the poet dwelled.

For the poet player, the metaphysical dimension of roulette is a scale model of the everyman question of why God has unleashed the intractable spirit of chance above the apparently knowable physical world He created. The poet player refers himself to the Word and reasons, more or less, as follows.

"We accept that the Christian objective of earthly life is to awaken one's soul and, thereby, to enter into the kingdom of heaven. But we are told that, 'except your righteousness shall exceed that of the scribes and Pharisees, ye shall in no wise enter into the kingdom of heaven.' The earthly life of the scribes and Pharisees is, of course, devoted to upholding the law of the world, which Christ did not 'come to destroy, but to fulfill.' Yet the fact remains that those who see the good law of the Lord as the be-all and end-all of their existence are doomed.

"The law is merely the rule book of the game, a legally binding contract, a bargain. Fulfilling our part of the bargain, we count on the explicitly stipulated payoff. How is that different from buying groceries, or drawing up a prenuptial agreement, or making a career in banking? Surely the point He is making is obvious, for in the lethargic tranquility of a good, binding, enforceable contract a man's soul is slated for eternal slumber. And everything He said has been said with the aim of awakening the soul.

"'For if ye love them which love you, what reward have ye?' He asks, incredulous that such things are not obvious to all, 'do not even the publicans the same?' Indeed, the whole thrust of His argument is that, if they are to prove efficacious, soul-saving thoughts and deeds are to be conceived for their own sake and done on their own merits, rather than as the means to some contractually stipulated end, even—or especially—when that end is Heaven. 'Therefore when thou doest thine alms, do not sound a trumpet before thee, as the hypocrites do in the synagogues and in the streets. . . . They have their reward. But when thou doest alms, let not thy left hand know what thy right hand doeth.'

"Hence, chance has been brought into the world to smash the rationalist chain of the scribe and Pharisee (who is now, of course, as good and zealous and law-abiding a Christian as, two thousand years ago, he was a good and zealous and law-abiding Jew). That is the causal nexus—myopically, arrogantly postulated and greedily, self-servingly interpolated—between man's goal-oriented pursuit of salvation and salvation itself. And chance is the proverbial slip twixt the cup and the lip. Thank God it exists!"

So reasoning, the poet player piles up casino chips on the layout, sometimes winning, sometimes losing, but always cognizant that he is there to worship at the altar of chance, without which God's design of the universe would be imperfect and Christian—or any other—salvation would be reduced to a book of ethical formulae, not unlike the almost idiotically straightforward rules of his perversely beloved, impossibly complicated, and maddening, maddening game.

Andrei Navrozov is Chronicles' *European correspondent.*

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by Srdja Trifkovic

Turkish Delights

Four weeks before the latest war against Iraq, President George W. Bush declared that it would be motivated by a "vision" of democracy and liberation for the entire Middle East. A U.S.-sponsored regime change in Baghdad, he proclaimed, would "serve as a dramatic and inspiring example of freedom for other nations in the region."

Only days later, however, the vote by the national assembly in Ankara to ban the deployment of U.S. troops on Turkish territory highlighted the imbroglio the United States will face if she succeeds in the unlikely task of bringing democracy to the Middle East.

Throughout the region—except in Israel—opposition to the war runs between 94 and 98 percent. There was nothing more natural, therefore, than for the legislators in Turkey—the only functioning, albeit imperfect, democracy in the Muslim world—to vote in accordance with the wishes of the people, and, in so doing, to resist the bribe of up to $30 billion in cash and loans that Washington had offered to cushion the losses the Turks would incur from the war. As the *Neue Ruhr/Neue Rhein-Zeitung* of Essen pointed out in an editorial two days after the vote, "The Turks are voters, while the people in the Arab countries are inferiors." One Turkish MP, Ahmet Faruk Unsall, stated the obvious: "We did something that not even the British parliament, the cradle of democracy, was able to do: we voted with the public."

The intemperate reaction of the political and media establishment in the United States revealed the extent to which *democracy*, to them, does not signify the broad participation of informed citizens in the business of governance but the *desirable political content* of ostensibly popular decisions. The desired outcome (joining the United States in waging war) is inherently good; therefore, the process of reaching it is "democratic."

The *Wall Street Journal* betrayed this mindset when it declared, in a March 4 editorial, that "democracies are messy" and lambasted Turkish politicians for bowing to "short-sighted domestic politics":

> Turkish opinion polls show large opposition to an Iraq war. But then the role of political leaders is supposed to be to shape public opinion, not follow it, especially when the benefits of assisting the US are so obvious. . . . The Turkish military had failed to speak up at a crucial moment apparently in order to embarrass the new Islamic-leaning government.

The *Journal*, a faithful echo of the Bush administration, explicitly denounced Turkey's generals for not forcing the reversal of a democratic vote in parliament by, for instance, using the threat of a military coup. Since the Turkish military has carried out four coups—each backed by the United States—since 1960, the *Journal's* nostalgia for those unmessy times is perfectly understandable.

In Turkey itself, the pro-government daily *Zaman* stressed the gap between "a proud decision" by deputies and Turkey's strategic interests in Kurdish-inhabited northern Iraq. The top-circulation *Hurriyet* was more explicit:

> The United States has started playing its "Kurdish card" in an ugly way. It is the U.S. who deliberately provokes the anti-Turkey sentiment in northern Iraq . . . The Turkish parliament's decision to prevent an American-Turkish intervention in northern Iraq is exactly what the Kurdish groups want. Thus they should be thanking the Turkish parliament instead of burning the flags.

Another newspaper, the *Milliyet*, noted that the parliamentary vote opens new options for Turkey:

> The U.S. will leave eventually, and Turkey will have to live side by side with Kurds and Armenians. If we manage to take this trump card from the U.S. hands, we can possibly overcome this dilemma. It is possible to turn the region into a center of attraction where everybody—Turks, Kurds, Armenians and Arabs—live together in harmony and brotherhood. This is the only way not to bow to this aggression for the sake of pennies.

Such lofty sentiments were not found in Britain's *Financial Times*, which stressed the precariousness of Turkey's public finances, weighed down by government debt of about $100 billion: "The possible loss, therefore of a $24 billion package of US grants and soft loans . . . could be a hammer blow to its recovering economy."

Le Figaro concluded, with similar cynicism, that Turkey's "stab in the back" came too late to keep the United States from striking alone and pointed out that, in this instance, Turkey proved herself more "European" than "The Eight" who had signed the letter of obedience to Washington. Hessischer Rundfunk radio of Frankfurt sounded the same theme—Turkey's demerit in Washington is a brownie point in Brussels:

> Turkey refused to be bought. Even though it may not be able to maintain its "no" because of its economic dependence on the United States and is unable to stop war against Iraq, it made clear that it considers military moves to be too risky. The fact that the Turkish generals stayed out of the controversy over the U.S. deployment of forces and left the decision to politicians corresponds to EU demands. In Brussels, [the E.U.] should examine and honor the vote from Ankara. Turkey proved to be worthy of Europe.

The *Sueddeutsche Zeitung* of Munich barely kept its gloating tone in check as it hailed the decision of the Turks, who were, until recently, considered the most loyal political and military partner of the United States at Europe's periphery:

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That is why the Turkish "no" hits the United States harder than all anti-war commitments from Berlin. The defeat at the Iraqi northern front will not stop war if Washington really wants it. But it is now making George W. Bush even more lonesome. In the case of Turkey, the United States also used a strategy that was composed of thumbscrews and dollars. But with such a strategy, the Turks felt treated like the inhabitants of a banana republic.

Turkey ostensibly hesitated to give Washington *carte blanche*, the paper says, because she is afraid that the United States would not stick to her political and financial pledges; that, however, is not the main reason. For Ankara, more is at stake than the best deal: The new conservative government does not want to lose popular support, and the Turkish people are almost unanimously opposed to the war: "The Turkish government is torn between the anger of its own people and the fury of its most powerful ally."

In Italy, *Il Giorno* opined that

> Turkey was put in a very thorny situation: Can it favor a war whose consequences would be greatly to its detriment? Dollars cannot buy everything, as the Americans believe. . . . Are a few extra oil wells worth alienating friends, favoring the real enemies, splitting NATO, provoking world disorder and killing tens or hundreds of thousands of innocent civilians?

Further to the left, *La Repubblica* described "the rebellion by the Turkish Parliament" as a severe political defeat for Washington, a visible confirmation of the large gap between European and American feelings:

> The clash is no longer just between two different visions of the Iraqi crisis and two possible solutions, but between two worlds that move according to different timetables. . . . Turkey is the litmus test of the uneasiness that the messianic tone implied in a crusade for the "liberation of Arabia" is provoking among those who should receive Bush as a liberator.

Most Israeli commentators mistakenly expressed confidence that the Turks would eventually change their mind. In *Ha'aretz*, Zeev Schiff pointed out that, should Turkey persist in her refusal to accept U.S. troops in her territory, she could suffer huge direct and indirect economic losses:

> Turkey could lose a significant part of its influence on future developments in northern Iraq's Kurdish areas. Its vital interests could subsequently come to harm. . . . [Turkey] does not have the importance another Muslim state—Pakistan—had during the Afghanistan War. U.S. forces could enter Iraq from other directions and it is believed that the main battle will take place around Baghdad.

In Riyadh, the *Saudi Gazette* hailed the news from Ankara: "This development certainly strengthens the Arab position; the Turkish vote indicates which way the wind is blowing in this region." However, in Egypt, the pro-government *Al-Akhbar* concluded that the Turks would eventually succumb to U.S. pressure: "Because of its strategic alliances with the West and America, its deteriorating economy, Turkey will have to agree to the deployment of U.S. forces and heavy equipment."

The most interesting comment from the Arab world came in Lebanon's *As-Safir*:

> The affair that is so unethical that it amounts to a global scandal is the "dialogue" that Washington initiated in order to persuade Turkey to effectively [*sic*] join the war. In order to please Turkey, the Americans abandoned every "ethical" commitment toward the Kurds. They allowed Ankara to send troops to northern Iraq, and they promised that the Kurdish forces would not enter Kirkuk. Turkey set a price and the United States set a price. . . . The whole world lived the details of the bazaar, the results of which might control the "democratic" fate of the Middle East and determine if this democracy will be achieved and at which price.

America's "loss of face" was a frequent theme in the Chinese press, as well as the subject of an editorial in Singapore's *Straits Times*:

> The fact that Turkey, the only democracy in the Middle East, has not found Mr. Bush's vision of a transformed Middle East enticing enough to back US war plans shows how low America's credibility has sunk in the world. . . . Having raised the stakes so high—nothing less than the transformation of the entire Middle East—how is Mr. Bush going to accomplish such a colossal task without the support of his key allies, let alone regional powers like Turkey? A diplomatic strategy that ignores the doubts of many, that keeps changing the goalposts, that is endlessly flexible in the justification it offers for war—regime change, regional transformation—is not calculated to win the confidence of the global community.

In reality, the "global community" does not exist, and its "confidence"—or lack thereof—does not matter. What matters to U.S. interests is that the tension with Turkey vividly illustrates the warning I made in these pages after the Islamic AKP's victory last fall: Turkey remains proverbially torn between East and West. Although she has managed to retain a small piece of Europe's southeastern corner, recent political events indicate that the pull of the East remains strong. To the discomfort of her Westernized secular elite, she stubbornly remains Asian and Muslim.

The tensions resulting from Ankara's submission to U.S. pressure may cause dangerous long-term fissures in Turkey's body politic. The only winners will be the Muslims who have always regarded Mustafa Kemal's Republic as a temporary aberration. ◁C

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ECONOMICS

The End of Income Taxes

by David A. Hartman

The tax cuts proposed by President George W. Bush take significant steps toward the reform of a federal tax code that retards growth of the capital stock, productivity, and incomes of all Americans. His plan to eliminate the death tax, increase expensing of investment for small businesses, end double taxation of dividend income, expand "returns exempt" taxation of IRA savings, and lower progressive rates on individual incomes are all welcome contributions toward a more efficient tax code. Yet even if it is enacted, the President's proposal will likely add more obstacles to comprehensive reform of the tax code because, once again, tax reform has been launched in a manner that defies economic and political priorities and realities.

The ultimate priority of federal tax reform is to increase savings for investment. To do so, however, by increasing the magnitude of our sizable federal deficit while failing to reduce spending would largely offset the net benefits of such a plan. It is far more effective to change *how* we tax—that is, to replace lost revenues with better-designed taxation. Tax neutrality is particularly important since the United States is engaged in a war with as-yet-unknown financial demands. And the incipient burden of the baby boomers' retirement requires greater national *savings for investment*, not increased federal *indebtedness*.

Since the private economy is mired in a protracted recession, the current priority should be to address tax reform to those areas where taxation is the chief problem. Remediation of the depression in formation of capital stock, depressed corporate income, the massive trade deficit of our uncompetitive manufacturing sector, and the flight of corporate headquarters overseas—which shrinks the compensatory trade surplus in corporate services—should be the targets of the President's reform efforts, yet his reform proposals only marginally address them.

The principal enemy of tax reform continues to be the spurious claim that tax cuts only benefit the rich. It does not seem to matter that the Kennedy and Reagan tax cuts showed definitively that reducing high marginal individual rates and lowering effective corporate rates stimulates growth of investment, output, and incomes for *all* Americans.

Though our liberal demagogues have failed to understand this, our OECD competitors have taken the message seriously and have relentlessly cut effective taxation on corporations and investment capital. At one time, the United States had the competitive advantage of the lowest corporate taxation in the world. Now, effective corporate taxation in the United States is close to the world's highest, and the ballooning trade deficit in manufacturing and the flight of U.S. corporations abroad are the direct consequences.

Tax-reform measures must address the political appearances of equity. All principal alternatives seek to alter the tax on either consumed income or consumption, excepting only the "necessities" as the basis for optimum equity, efficiency, and growth. In effect, any of these alternatives tax investment savings only once.

By comparison, the current tax code taxes a dollar when earned and saved or consumed; then, it taxes the returns to a corporate dollar invested (even before profits return the invested dollar); then, it taxes a previously taxed dollar of corporate profit received as a dividend or capital gain; and, finally, it taxes up to 55 percent of the remaining savings upon death. The ultimate goal of such a tax code is to discourage capital formation and productive incentives in favor of equality of incomes and wealth—which only occurs in a primitive society.

There are four principal candidates for tax reform. The first is the consumed-income tax, which taxes all income at the individual level only but defers taxation on savings for investment until consumed. The retail-sales tax taxes only consumption (including residential housing), thereby exempting savings for investment until consumed as well. The value-added tax, which proposes a levy on the difference between revenues and expenditures for goods and services, including capital investment (thereby exempting savings for investment until consumed), amounts to a consumption tax. Finally, the "flat tax" is a consumed income tax that amounts to a value-added tax at the corporate level and a "returns exempt" income tax for individuals, which exempts returns to capital (dividends, interest, and capital gains) in order to avoid double taxation.

The devil, however, is in the details. The consumed-income tax is paid (ideally, at a flat, instead of a progressive, rate) on all individual income, but savings for investment is tax-deferred until consumed. The retail-sales tax is assessed at the point of sale levied on retailers. The value-added tax is assessed upon all commercial and governmental entities. But the "flat tax" is assessed as a value-added tax on commerce, and the same flat rate on individual income taxes wages and salaries but *does not tax dividends, interest, and capital gains*. This is, in fact, tax symmetrical, but it is far too easy to call it an "unfair exemption of the rich."

In the early stages of the tax-reform movement, the "flat tax" designed by Professors Hall and Rabushka was favored by conservative and libertarian economists, probably because it was adopted by Republican House Majority Leader Dick Armey. The "Armey flat tax," however, never gained momentum. Under the direction of Grover Norquist, Americans for Tax Reform has enlisted five "caucuses" in the House of Representatives to promote "zero capital gains tax"; "end the death tax"; "abolish the alternative minimum tax"; "expense capital investment"; and "unlimited IRAs," as steps toward the flat tax. Curiously enough, a caucus to "end double taxation of dividends," the largest of the presently proposed tax cuts, was not created, nor was an "exempt interest" caucus.

The problem with the Armey flat tax, (as Steve Forbes' abortive run for the Republican presidential nomination in 1996 demonstrated) is that a code that proposes to tax Joe Lunchbucket's wages and Sally Steno's salary but not dividends, interest, and capital gains is a sitting duck for class warfare, whether or not it is a well-designed, efficient, and equitable substitute for the present inefficient and inequitable tax code. Both the flat tax and expansion of Roth IRAs (returns-ex-

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empt savings) pose the same problem.

Moreover, there is no apparent strategy to implement a stepwise reform of taxation that is tax neutral and, thus, able to avoid the increased deficits that will be produced by the Bush tax cuts. Thus, the new tax-reform movement is heading down a dead-end road. There is little evidence that the public will endorse a revolutionary all-or-nothing reform of federal taxation, financed by escalated deficits.

Our tax-reform gurus are trying to feed the wrong end of the horse. The corporate income tax is double taxation on corporate income. Consequently, the best way to accomplish reform is to *replace* the corporate income tax with a consumption tax, and the best candidate is a subtraction-method value-added tax. The value-added tax has the broadest tax base, resulting in the lowest rate for a given yield. Since it is territorial (it does not tax foreign income), it would make the United States the preferred location for international headquarters. By exempting exports and including imports, it would help close the trade deficit, since all other OECD competitors have value-added taxes. And by exempting capital investment, it exempts savings for investment, directly promoting the necessary growth of investment for increased productivity and incomes in general, and at the corporate level in particular. Best yet, replacing the corporate income tax with a value-added tax can accomplish this on a tax-neutral basis, without large deficits.

Many conservative and libertarian economists oppose a value-added tax on the grounds that, in Europe, it led to a runaway expansion of government. However, that was the result of imposing the value-added tax in addition to the corporate income tax instead of *replacing* the corporate income tax. Those who favor a consumption tax such as the VAT claim that the retail-sales tax is preferable, because it is visible. But the VAT can be legislated to be visible and results in lower rates than a retail-sales tax because of its broader base, since the value-added tax will include taxation of government, whereas a retail-sales tax will not.

A ten-percent value-added tax in the form of a business transfer tax that credits payroll taxes (replacing the 35-percent corporate income tax) would provide a sufficient surplus of revenues to convert the personal income tax to a 15-percent single rate. It could further provide the surplus necessary to eliminate all of the principal discriminatory features of the tax code as well—the "death tax," the alternative minimum tax, phaseouts of exemptions and deductions, the marriage and married parenthood penalties, and customs duties. The surplus could also be augmented by converting the earned-income credit to healthcare vouchers, providing relief for Medicaid spending. It could further convert the 15-percent single-rate tax to a consumed-income tax, allowing unlimited deferral of income tax on saving for investment until consumed. And all of this can be accomplished on a tax-neutral basis without added deficits.

Over the course of a decade, the increased growth of investment, output, and incomes plus broader definition of the consumed-income tax base could allow a ten-percent business-transfer tax and a ten-percent single-rate consumed-income tax. A 20-percent business-transfer tax, however, would achieve the same tax-neutral results. Who would not prefer to see an end to the IRS snooping into his income and assets as a result of ending the corporate and individual income taxes?

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WAR

Illusions of a Tidy War

by Andrew J. Bacevich

In the final days and hours preceding the current Persian Gulf war, reports extolling the dazzling information-age capabilities that American troops would take into battle against Saddam Hussein became a media staple. Newspapers, newsweeklies, and television vied with one another in enthusing about the latest in satellite-guided bombs, unmanned aircraft, and state-of-the-art digital gadgetry. The media coverage of the war's first hours and the spectacular air campaign that ensued reinforced these impressions.

The schematic versions of "today's battlefield" used to juice up these stories—elaborate graphics for print, animation on television, and, finally, video clips of the real thing—offered Americans a bowdlerized version of the "Revolution in Military Affairs." For the last decade and more, this RMA has been the subject of intense interest among defense experts. According to its advocates, the RMA is transforming the way that the Pentagon fights. In sharp contrast to the uncertainty, error, waste, and carnage that characterized combat in the industrial age, U.S. forces today wage war with economy and precision. For the United States, military power, once a blunt instrument, has become a scalpel. At least so the average citizen perusing the latest issue of *Time* or taking his cues from FOX News might reasonably conclude.

Whether intended or not, one effect of such reporting has been to reinforce popular expectations that war against Iraq would be brief, antiseptic, and decisive, producing clear-cut results at an affordable cost. To what degree did such expectations account for popular acquiescence in the plans to topple Saddam Hussein and, by extension, to implement a doctrine of preemptive war? It is difficult to answer that question with certainty. The effect was not trivial, however. We are a people of vivid imaginations and short memories. Among Americans willing to give the Bush administration a free hand, images of precision war are at least as important as their recollections of September 11.

Unfortunately, the expectations stoked by these images are illusory. The prospects of a tidy war producing a neat, tidy result are slight. Technology changes the way that soldiers fight, but it does not change the nature of war. That nature remains stubbornly rooted in politics, which is seldom given to tidy outcomes. The ongoing war in Iraq is unlikely to prove an exception.

Indeed, the experience of the 1990's—a decade in which U.S. forces time and again demonstrated their technological edge over all comers—warns against any such expectation.

For evidence, we need look no further than the previous Gulf War, touted at the time as a turning point in military history. A victory of seemingly unprecedented proportions guaranteed peace in the region and held out the promise of reducing America's own burdens as guarantor of the region's stability. At least so the elder George Bush promised.

In fact, Operation Desert Storm yielded few of its expected benefits. Instead, in its aftermath, the United States found herself drawn further into the morass of

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Middle Eastern politics. The upshot was not peace and stability but endless sparring with Saddam Hussein, along with the bombing of Khobar Towers, the attack on the U.S.S. *Cole*, and, if indirectly, the horrific events of September 11.

The other major military actions of the 90's—the air campaigns in Bosnia and Kosovo, each hailed at the time as a dramatic demonstration of high-tech military power used to advance an humanitarian agenda—produced similarly ambiguous results. To be sure, armed intervention—chiefly in the form of American airpower—halted Balkan "ethnic cleansing." Preventing its resumption, however, requires the United States and her allies to maintain a permanent and decidedly low-tech military presence in the region. The animosities and ambitions that fueled ethnic unrest remain stubbornly in place.

Now, the 43rd president has set out to correct the (still unacknowledged) errors of the 41st, making an end to Saddam Hussein once and for all. The White House justifies this portentous step as necessary to eliminate the threat of a hostile Iraq armed with weapons of mass destruction. But the administration's plans do not end there. Even before making it to Baghdad, President Bush and his hawkish advisors were looking beyond it. In their eyes, toppling Saddam Hussein constitutes only the first step in a vastly more ambitious enterprise to be underwritten by American military prowess.

After removing Saddam from power, U.S. forces will occupy Baghdad and—if we are to believe claims coming from the White House—convert Iraq into a model of democracy. The United States will work in defeated Iraq the same magic that she worked in defeated Germany and Japan—an expectation that ignores a mountain of cultural, ethnic, and religious obstacles to which America's high-tech military will prove irrelevant.

For the Bush administration, however, even success on this front will be the beginning, not the end. "Fixing" Iraq constitutes only phase one in a plan that aims to "fix" the region as a whole.

Slipping the steel fist of military power back into the velvet glove of American statecraft, President Bush and his lieutenants will turn next to their ambitious vision for reordering the Middle East according to their liking. Hitherto recalcitrant Arab potentates, having witnessed yet another demonstration of U.S. military supremacy, will (presumably) fall into line. Islam will be cured of its radical inclinations. Among the rickety nations of the Arab world, modernity will take hold. Peace, democracy, and liberal values will prevail—all made possible by America's unquestioned military preeminence. For the ideologues of the Bush administration, liberal democracy is like a light bulb. You just insert into any available socket, and it works. The U.S. military is the hand that turns the bulb.

This, of course, is the stuff of fantasy rather than statecraft, rooted in an infatuation with military power and a corresponding naiveté about political realities. It is a vision of almost breathtaking ethnocentrism, based on the belief that there is no problem that cannot be solved if only others will simply become like us. Certainly, it represents the very inverse of the humility that George W. Bush once promised would govern his thinking about America's relations to the rest of the world. Above all, the Bush game plan for the Middle East is a recipe not for peace and stability but for endless meddling and perpetual war—and the inevitable dissipation of the military might in which we take such pride.

In another day, Americans would have rejected such fantasies out of hand. It was a battle-hardened G.I. in Norman Mailer's 1948 novel *The Naked and the Dead* who observed that "Fighting a war to fix something works about as good as going to a whorehouse to get rid of a clap." Those who today inhabit the precincts of power in Washington have long since lost sight of that commonsensical fact. Alas, so, too, have many ordinary citizens, captivated by the allure of revolutionary new military capabilities.

As a great power, the United States requires military strength and will, from time to time, find herself obliged to use force. But force—no matter how generously festooned with the latest ornaments of information-age technology—is not a panacea. What remains to be seen is how large a catastrophe must occur before Americans reawaken to that truth.

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LIBERAL ARTS

PAKISTAN TO U.S.: "THANKS FOR THE SCRIPT"

"Information Minister, Sheikh Rasheed Ahmed has said that Pakistan has enough grounds for pre-emptive strike against India.

"He said this while addressing a large public gathering here on Monday. 'India is producing weapons of mass destruction and stocking these weapons in a neighbouring country,' he said adding that India was also involved in the massacre of innocent people in Gujrat and Indian held Kashmir."

—from "Pak Has Enough Grounds For Pre-Emptive Strike Against India," Pakistani News Service (April 8)

Caveat Preemptor

by Edward A. Olsen

All prudent consumers are supposed to be guided by the warning embodied in the ancient Latin expression *Caveat emptor* ("Let the buyer beware"). A contemporary geopolitical modification of that expression should be borne in mind by Americans as the United States more vigorously embraces the legitimacy of preemptive military attacks against adversaries who may attack the United States—namely, *Caveat preemptor.*

U.S. national security strategy has always embodied a blend of defensive and offensive capabilities, following the wisdom that "the best defense is a good offense." In this context, the decision of the Bush administration after September 11 to engage in some preemptive attacks is in keeping with that tradition.

An emphasis on preemption is akin to periodic reminders by administration officials that the United States may exercise the option of using nuclear weapons. Most recently, this approach has been evident in hints that the United States might use all available weapons against adversaries who might be tempted to use *their* "weapons of mass destruction" against the United States. The risk inherent in this approach is that—like nuclear escalation during the Cold War—use of a preemptive option could get out of control if terrorists or rogue states decide to

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call our bluff.

The concept of preemption affirmed by President Bush in his June 2002 speech at West Point and in his subsequent National Security Strategy is different, however, because it more openly stresses the United States' prerogative to undertake preemptive military actions against perceived threats while backing way from our established reliance on strategic deterrence. Clearly, this is a significant shift in U.S. security priorities.

What is to prevent other countries from following the United States' example in waging preemptive wars against perceived threats? Were U.S. allies to emulate this principle, what would prevent one of them from launching a unilateral preemptive military strike of her own? Would such an action obligate the United States to stand by her ally? If the answer is *yes*, then we had better reappraise the nature of U.S. alliances and how their geopolitical contexts could entangle us in wars that are not of our choosing. If the answer is *no*, then why should those allies be expected to stand by the United States in the context of any preemptive American attack against a perceived enemy?

In either case, it is in the national interest of the United States and disparate friends and allies to clarify in advance each side's obligations. Such clarifications should be spelled out in all the security treaties and executive agreements that form the basis of our strategic ties worldwide. We could forge agreements with our allies to guarantee advanced consultation before any security partner would take preemptive military action. Or we could secure the sole prerogative to take preemptive military actions—without obligating our friends and allies to support them. Or any ally could pursue military preemptive action on her own initiative, on the understanding that there would be no obligation for the other security partners to support it.

Dealing with existing or potential adversaries is far more daunting. What is to stop our adversaries from copying the United States in a hostile manner? If such countries—especially members of the "Axis of Evil"—are confident that the United States is fully prepared and willing to launch a preemptive war on one or more of them, why would they avoid contemplating what could be labeled "preemptive preemption?"

North Korea's reaction to the Bush Doctrine was far more ominous than Saddam Hussein's. In several respects, North Korea is a much more formidable adversary than Iraq. With North Korea's enormous military establishment equipped with an array of offensive weapons and noted for its fanaticism, no one visualizes regime change in Pyongyang as a low-risk endeavor. Although her economy is a mess, North Korea's military does not share the liabilities more evident in Iraq's military. Moreover, North Korea has a track record of engaging in a provocative strategy that seeks to push the United States to the cusp of war. Thus, when the Bush administration adopted a tougher policy toward North Korea, labeled her part of the Axis of Evil, and implied that she might warrant preemptive military treatment, the North Koreans launched a new round of nuclear brinkmanship. In effect, Pyongyang has tried to up the ante *vis-à-vis* the United States, by taking advantage of the geopolitical strains inherent in a multiple-war scenario for U.S. strategists and adopting the Bush Doctrine for its own purposes. As North Korean Foreign Ministry Deputy Director Ri Pyong-gap observed, "The United States says that after Iraq, we are next, but we have our own countermeasures. Preemptive attacks are not the exclusive right of the U.S." (quoted in Jonathan Watts, "N. Korea Threatens US With First Strike," the *Guardian*, February 6, 2003). The plausibility of such threats is open to debate, but there is no question that North Korea seems to be willing to experiment with the option of preemptive preemption.

It does not take much imagination to visualize the risks this convoluted psychology could unleash. Instead of preventing war scenarios—as mutual deterrence is intended to do—mutual preemptive strategies could escalate the prospects for armed conflicts. The United States may be able to utilize effectively a preemptive strike against the first perceived adversary she chooses to deal with, but all the others waiting in the wings would henceforth possess major incentives to try to preempt the U.S. preemptor. North Korea seems to be at the head of the line of states willing to follow through on those incentives.

However, it is important to note that—for all her sinister qualities—North Korea remains a territorial state with attendant geopolitical vulnerabilities. Moreover, both North and South Korea share ambitions to reunify their nation into a single state. Therefore, there may be far greater dangers posed by an array of violently radical nonstate actors who do not have much to lose. When dealing with terrorists or their supporters, there are few deterrents for the United States to use other than threats of preemptive strikes designed to destroy their organizational infrastructure and transnational support network. Unfortunately, unlike during the Cold War, there is little to inhibit today's terrorist adversaries from turning the tables on the United States. These terrorists perceive their brand of preemption as more effective than anything the United States can inflict on them. Preemptive armed attacks on the United States or her interests abroad can be psychologically effective in exerting pressure on American society to get the U.S. government to alter its policies. Consequently, these dynamics pose great risks, as the United States and nonstate terrorist groups try to outmaneuver one another.

Before the United States goes too far down the path to strategic preemption, Americans had better contemplate what it may be like if we find ourselves either caught up in, or on the receiving end of, other countries' or terrorist groups' emulation of the Bush Doctrine. Our adversaries have ample reason to consider preemptive preemption. This does not mean that we should forego preemption as a last resort, but it does mean that the United States should not stray too far from her established strategic principles of deterrence. The primary forms of U.S. preemption should remain diplomatic and economic. Excessive emphasis—real or rhetorical—on military preemption would not necessarily enhance U.S. national security and could expose the United States to being entangled in perpetual war. Furthermore, the emphasis on preemption as a key part of U.S. strategic policy unwisely suggests a hegemonic empire bent on overturning challenges to far-flung outposts. It is far sounder for the United States to focus on a strategic policy appropriate for a republic defending itself against threats to its territorial security. Given these parameters, *Caveat preemptor*, indeed.

Edward A. Olsen is Professor of National Security Affairs at the Naval Postgraduate School in Monterey, California, and the author of U.S. National Defense for the Twenty-First Century: The Grand Exit Strategy *(Frank Cass) and* Toward Normalizing U.S.-Korea Relations: In Due Course? *(Lynne Rienner). The views expressed are personal and do not represent those of the U.S. government.*

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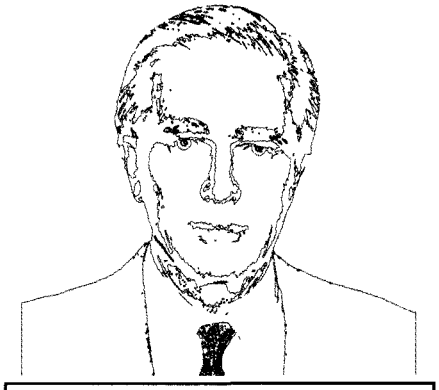
by George McCartney

Justice Blinded



Dark Blue

Produced by Alphaville Films and Cosmic Pictures
Directed by Ron Shelton
Screenplay by David Ayer and James Ellroy
Distributed by United Artists

Daredevil

Produced and distributed by 20th Century Fox
Written and directed by Mark Steven Johnson

Ron Shelton's *Dark Blue* opens with the infamous video of Rodney King taking a beating at the hands of four Los Angeles policemen on March 3, 1991. It closes a year later with the race riot that ensued after an all-white jury in Simi Valley exonerated the cops. This exercise of strenuous civil disobedience left 54 dead, 2,500 injured, and a billion dollars lost to theft and property damage. You would think a narrative unfolding between these events would display some respect for things as they were. This, unfortunately, is not the case. *Dark Blue* boasts some exceptional performers, especially Kurt Russell and Brendan Gleeson, but the script lets them down badly. Shelton gives us another corrupt-cop/innocent-cop melodrama, the kind you can see nightly on television. He and his writers, James Ellroy and David Ayer, even include the phony moral uplift TV hacks invariably epoxy onto their denouements. There are, nevertheless, traces of a good movie in this cinematic wreck, albeit buried under a paddywagonful of clichés.

Still, it is a delight to see Russell and Gleeson working together. As the bluff, no-nonsense police captain, improbably named Jack Van Meter, Gleeson makes the most of his brief appearances. The Irish actor is utterly convincing as a hardened administrator whose constant smile masks a heart stonier than Barbra Streisand's at a Republican fundraiser. Russell, as always, inhabits his role with exquisite nonchalance. Like Gene Hackman, he is a "star" who refreshingly plays his part, not himself. As Eldon Perry, he is a special-investigations detective so thoroughly submerged in the corrupt cop culture of South Central Los Angeles that he's nearly oblivious to the harm he is doing. Still, he is not wholly without conscience. After he needlessly kills a career criminal, he sends some money to the creep's widow and son on Christmas. What more can anyone ask? From Shelton's perspective, Perry is the diseased part that stands for the unwholesome whole.

We first meet Perry as he guides his rookie partner, Bobby Keough (Scott Speedman), through an official inquiry. The police review board wants the young man to justify killing a suspect he was pursuing. Having been coached by the master, Bobby clears himself. Later, we learn the shooting was almost certainly not necessary. But this does not trouble Perry and Van Meter. Instead, they celebrate their young colleague's successful deception by breaking out the whiskey, which is never far from their reach. (They would happily pour four fingers on a report of smog over L.A.)

Since profiling is one of the abuses Shelton attacks, he might want to look to himself. Although Van Meter and Perry are not classically Irish names, Gleeson, by force of brogue, and Russell, by sheer thespian blarney, play their characters as if they both have living roots in the ould sod. Shelton seems to think it follows, as Paddy does Bridget, that they must be wedded to the bottle.

Perry and Van Meter are badged hooligans for whom the worst kind of human behavior is an endless source of hilarity. Having long ago concluded that the world is a festering pus hole, they get a charge from hitting the streets and pushing the crud around, laughing all the while at the stupidity and wickedness they encounter—drug dealing, drug abuse, pimping, rape, robberies, gunplay, *etc.* Waxing philosophical for a moment, Van Meter explains that "I am charged with performing unpleasant tasks so others can perform pleasant ones" and goes on to observe, "We're working in a gassy s--t dome." When Bobby recoils at such talk, Perry puts him right. Van Meter, he reminds his callow colleague, is old school, and he deserves their unstinting loyalty. He's one of those cops, Perry continues, nearly choking with sincerity, who "built this city with bullets." His sincerity, however, is compromised by the way Russell delivers this line. He gives it an all-too-practiced air. You sense that he has used such formulas often to salve his shrinking conscience. Russell's Perry is otherwise too hotwired with booze and adrenaline to look beyond the bromide. He cannot wait to corner his next perp and blast his eyes with mace or shove a 9 mm. into his neck. He fairly giggles at the prospect. Without lowlifes to bat around, he would not know what to do with his energy. Russell reminds me of Hackman in *The French Connection* (1971) or Denzel Washington in *Training Day* (2001). Like their performances, Russell's crackles with an energy so irrepressible it's hypnotic. How can someone so vile be so compelling? Shelton does not seem to have a clue, which is unfortunate: This should have been one of his major points of exploration.

Shelton wants us to believe that Perry's brand of policing is endemic and that it is responsible for the smoldering resentment in the underclass. How could such treatment not lead to crime and rioting among those on the receiving end? But this is a chicken-and-egg argument. Does Perry's craziness engender the sulfurous conditions of ghetto life, or does the ghetto create Perry? Growing up in Brooklyn, I knew several young men who joined the police force. After a few years—often only a few months—they began to exhibit some of Perry's milder traits. Their beats invariably included low-rent neighborhoods, since Brooklyn's social classes are rarely separated by more than a few blocks. They would come home full of stories about the depths to which human beings could descend—junkies dying in

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their own vomit; prostitutes with faces razor-carved by their pimps; fathers molesting their daughters; parents fleeing apartment fires of suspicious origins, leaving their children behind. They recounted these experiences with an odd mixture of disgust and levity. Initially shocked by the horror of what they were witnessing, they relied on laughter to keep it at arm's length. How else could they go on? Once in a while, the more perceptive among them would talk about the decent people they would come across: a father holding down three jobs so he could send his son to Catholic school; a single mother working the graveyard nursing shift at a local hospital so she could walk her daughter to and from school, fearing that, unattended, the girl might fall prey to the blandishments of local pimps; people who risked their lives reporting drug pushers, only to watch these predators continue their rounds mysteriously undeterred. Ultimately, however, many of the young cops began to lose sight of these good people. Because of their professional obligations, it was the brazen thuggery and spectacular madness of such neighborhoods that loomed largest in their minds, finally and sadly obscuring the fuller picture. They came to believe, wrongly, that decency was an anomaly in the besieged communities they patrolled. I suppose it is not surprising that some cops develop tunnel vision, but it is tragic for all involved that cynicism so often becomes the dark at the end of the tunnel.

When Shelton finally portrays the riot in full blood-tide, the images seem, at first, quite convincing. He does not quail from showing us streets full of young blacks looking for trouble, beating at passing cars with bats, garbage cans, and bare fists, trying to pull white passengers through smashed windows. We see them performing a Reginald Denny on one hapless white, dropping a cinder block on his head again and again. Others crisscross the screen, their arms loaded with television sets, audio equipment, coats, and whatever else they can grab. Curiously, Shelton ignores the many blacks who tried, however ineffectually, to stave off the rioters. Some drove the streets, picking up stranded whites and taking them away from danger. These were people who understood that the Simi Valley verdict wasn't the insult to their race many in the media had so facilely implied, that things were too complex for such simpleminded equations.

Shelton, however, has no time for fine distinctions. He is too busy blaming unconcerned upscale whites and cynical peace officers for black rage. This is only part of the story, however. When times were socially and economically much worse for blacks—say, 60 or 70 years ago—whites walked their neighborhoods without qualms. (Admittedly, this was not generally true the other way round.) This was before welfare programs had succeeded in encouraging blacks not to marry by rewarding women for having babies out of wedlock; before the same programs encouraged black men to think of entry-level jobs as offensively demeaning; before such self-appointed leaders as Jesse Jackson began to practice a racial politics that suppressed thoughtful black voices; before such racial racketeers as Al Sharpton led campaigns to drive white and Asian merchants from black neighborhoods, further undermining their chances for achieving economic stability.

At one point during the riot, we see Perry looking out over Los Angles from a hilltop courthouse. He watches the swelling conflagration in the distance. For once, he is not laughing. His face sags with grim recognition. We are to assume that he finally realizes that he and other cops like him are responsible for the devastation below. Would that it were so simple. How easy it would be, then, to answer Mr. King's famously plaintive question, "Can't we all just get along?" Sure, nothing to it. Just get rid of the racists: white, black, brown, red, yellow, and olive—including cops, prosecutors, judges, politicians, spokesmen, citizens, and anyone else who may have expressed reservations, however mild, concerning a tribe not his own.

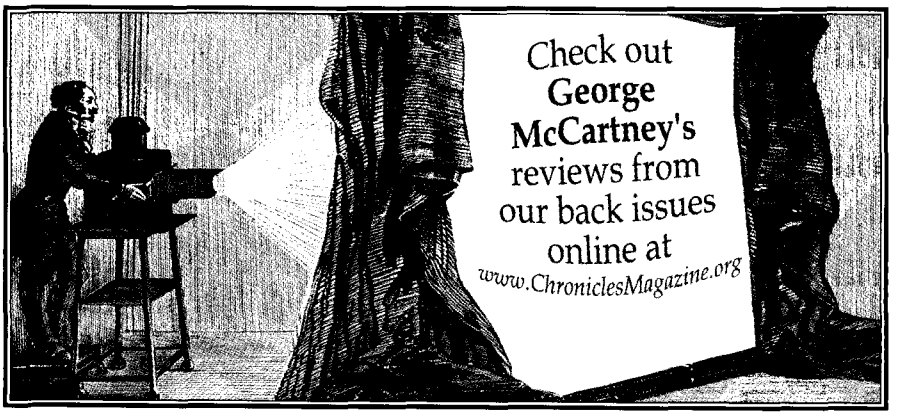
Daredevil also concerns a crime fighter who bends the law. In this case, however, we are supposed to applaud his extralegal tactics. At least I think we are; Mark Steven Johnson's film is so muddled that it is hard to tell. Certainly, Ben Affleck's bland impersonation of Marvel Comics' answer to D.C. Comics' Batman does not help.

Like Batman, Daredevil, a.k.a. Matt Murdock, has underworld issues. His father was murdered by Kingpin, a literally larger-than-life crime boss played with cheerful abandon by the giant black actor Michael Clarke Duncan, who, incidentally, makes Affleck look even more affectless than usual.

By day, Murdock is a blind legal-aid lawyer who, unaccountably, prosecutes rather than defends the accused. By night, he dons red leather head-to-toe, the better to go after the ne'er-do-wells he cannot nail in the courtroom. Having lost his sight as a child, he has developed his other senses a bit more than usual. This guile explains why, eyeless in New York City, he can swoop from tall buildings to pounce unerringly on villains below, and, then, without so much as a Miranda by way of introduction, knock the bejesus out them. There's nothing better than blind justice.

Daredevil is mildly entertaining, but don't take the youngsters along. For a comic-book movie, it includes scenes of inexcusable cruelty. In one, Daredevil gloats from a subway platform as he watches a train run over a villain he has just thrown onto the tracks. True, he does go to Confession afterward, this being a Catholic-themed movie. I'm afraid, however, that kids generally see through such dodges. What they will make of Daredevil's girlfriend (Jennifer Garner) and her bustier-assisted décolletage is anybody's guess. I will say nothing of the scene in which she discreetly doffs said garment to put Daredevil's superpowers to the test.

At least Colin Farrell, another Irish import, hits the cartoon target squarely with a hissably hilarious performance. As you might expect, he plays a character named Bullseye. -c-



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by Chilton Williamson, Jr.

How the West Was Won—Again

Richard M. Weaver, in his discussion of forms and the concept of the formal in *Ideas Have Consequences*, has this to say about the custom and culture of the American frontier:

> The American frontiersman was a type who emancipated himself from culture by abandoning the settled institutions of the seaboard and the European motherland. Reveling in the new absence of restraint, he associated all kinds of forms with the machinery of oppression which he had fled and was now preparing to oppose politically. . . . The frontiersman was seeking a solvent of forms, and he found his spokesman in such writers as Mark Twain, a large part of whose work is simply a satire upon the more formal European way of doing things.

I do not know whether Weaver, who spent nearly all his adult life shut up in a tiny, cluttered apartment in the shadow of the University of Chicago, ever experienced the West. Even if he did, the American West of the 1940's and 50's was not the frontier as Twain experienced it in the 1860's, when he traveled by stagecoach from Missouri to Nevada Territory. Hannibal, Missouri, was not exactly the frontier in Twain's time, either; nor did Twain himself, dressed in his white suit in his big house back in Hartford, Connecticut, have much more than an imaginative experience as a frontiersman. *Tom Sawyer* and *Huckleberry Finn*, finally, though the background of these novels is socially realistic enough, are anti-romantic romances, inversions of Sir Walter Scott's, which, inside-out as they are, contain, to a considerable extent, the same outside and inside. (Huck is not without his own, simpler version of Tom's chivalric code, as demonstrated by his actions on behalf of females in distress: Peter Wilks' daughters, for example.) Greater insight into the ontological nature of the frontier is provided by Laura Ingalls Wilder's fictionalized memoirs; the novels of Willa Cather; Mari Sandoz's biography of her father, Jules, who transplanted and cultivated many Europe-derived forms from his native Switzerland; and Owen Wister's *The Virginian*, which, romance that it is, served to encode more elaborate frontier forms by acknowledging the simpler existing ones and institutionalizing them in the Western imagination.

The great divide in American literature—indeed, in American culture—identified by Bernard De Voto in the 1930's as "Paleface *versus* Redskin," though not exclusively regional in nature, is, in fact, largely so, reflecting the opposition between East and West. It may be that Weaver had De Voto's distinction in mind when he made his observations regarding the Westerner's impatience with symbolism and his eagerness to dissolve forms. If so, it seems he wasn't looking far beyond Twain and De Voto in making them. Redskin forms may be as formal in their context as Paleface forms, while "primitive" cultures are often more formal than "civilized" ones—Weaver's point exactly in contrasting less "developed" 13th-century European thought and custom with the 20th-century American sort. It seems odd that Weaver, of all people, looking back on post-Civil War America, could see the Western frontiersmen, and not the Eastern and Midwestern robber barons, Wall Street financiers, oil and railroad tycoons, and press magnates, as the pioneers of modern mass society, the destroyer of traditional forms and ideals, whose influence worked from West to East. Frontier culture was strongly marked by a formality borrowed from the various Indian cultures with which it came in contact, as well as, in the Southwest, by the highly formalized Spanish civilization. What is more, settling Western civilization looked to the East—nearly always an older, more honest, more civilized East than the one being formed by the Gilded Age—and to the European home countries for its standards of culture, learning, fashion, and etiquette. There is no more touching symbol of civilized determination in Mrs. Wilder's "Little House" books than Ma's china shepherdess, carried by her from New England to the big woods of Wisconsin, and from Wisconsin to a succession of ever more remote and less civilized locations, from Kansas to Dakota Territory, in each of which the statuette is the first item to be unpacked by Caroline Ingalls and placed ceremonially upon the mantelpiece: a petticoated figure softly glistening in the gloomy wilderness. The modernizing East, not the settling-up West, was the growing enemy of Western civilization, the civilized past: The revolutionary current ran from East to West, not West to East. It has been doing so ever since, until every region of the country, the West included, has largely succumbed, by a process of homogenization and intimidation, to the national mold-without-form that is the modern world.

As Richard Weaver uses the word, *form* consists of a "veil which is half adornment, half concealment." Those who recognize and appreciate forms, being capable of reflection, understand that "the reality which excites us is an idea, of which the indirection, the veiling, the withholding, is part." The barbarian, philistine, frontiersman, on the other hand,

> cannot see that that knowledge of material reality is a knowledge of death. The desire to get ever closer to the source of physical sensation—this is the downward pull which puts an end to ideational life. No education is worthy of the name which fails to make the point that the world is best understood from a certain distance or that the most elementary understanding requires a degree of abstraction.

There is a difference between form and custom, all form being at least in part customary, while not every custom is formal, a rung on "the ladder of ascent." Apprehenders of form are always both

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conscious and self-conscious—of the reality veiled by the form in the first instance, of themselves in relationship to both form and reality in the second. Monster-truck rallies have nothing to do with form; rodeos have everything to do with it. So do hunting camps, cattle roundups, brandings, and butcherings, county fairs, barn dances, and ranch barbecues. The gradual replacement of these rituals and the ritualistic gatherings accompanying them by rock concerts, motorcycle rallies, stock-car races, and the International Olympics are part of the breakdown of the formative West under pressure from the mob industrial society that leaches all forms and erodes them away from one another.

The American West, like every other region of the country, has been nationalized to the point that it no longer presents a distinctively Western public face to the nation. The face it does show is bland, blended, managerial, rationalistic—a construct of the new urban and suburbanized West. It retains another, inward-turned face, however: rough, still fierce at times, unkempt and uncombed, independent, uncompromising, and contemptuous—the face of the rural West in which the frontier legacy lives on. The first is the face of Dick Cheney; the second, of Edward Abbey. The Cheney face is the face familiar to Washington, D.C., and the national media; the Abbey face, the one Old Westerners recognize themselves in. "ABBEY LIVES!" as the bumper sticker says, even though Cactus Ed is 14 years in his grave. Cheney doesn't, though he is alive and powerful and represents, probably, the future of the Rocky Mountain West.

Still, things, although pretty bad, are better out here than elsewhere. And the process of erosion might yet be arrested, even reversed, if an awareness of the nationalizing threat could be heightened and the West's sense of cultural separatism renewed. In most situations of this kind, the solution is cultural rather than political; in this instance, political action is more likely the answer, at least in the short term. The nature of that action is suggested by the huge agglomeration of red political entities (called "counties," but who remembers?) covering the Rocky Mountain West—the old American Desert—as indicated in that electoral map published in *USA Today* following the 2000 presidential election.

Some years ago, I wrote in this space an essay called "Twelve Westerners," in which I argued that the West as a geographic and cultural region has been historically disadvantaged by its lack of an intellectual tradition—a political intellectual tradition, especially. Where, I asked, are its Jeffersons, its Randolphs, its Fitzsimmons—its John C. Calhoun? I emphasize Calhoun, because his carefully developed doctrine of concurrent majorities is what the American West today desperately needs.

The famous map in red and blue was our fire bell in the night. In a nation comprising two opposing and irreconcilable cultures, the urban one has, under the present constitutional system, the numbers and, therefore, the votes to swamp electorally what it perceives as the rural enemy and to reconstruct it in its own image. It is only a matter of time and numbers before the thing happens. The rural culture, though in possession of the larger portion of U.S. territory by far, sees its minority status enhanced by one election, and one census, after another. It is the permanent shrinking minority, with whom the majority can never concur. The minority interest, therefore, *must* ensure that its right to concurrence with the will of the majority be recognized and assured. For the custom and culture of the red counties to survive—and thrive—a political means must be found that can protect the social and political culture (the forms) of that minority.

What is the reasonable and likely means toward that end? John Remington Graham, in his book *A Constitutional History of Secession*, gives the answer: changing the national "form of government"—revolution, in plainspeak. But not subversion, in the sense Richard Weaver understood the term, "the taking away of degree"; a *reversion*, rather, to the origins of government, as accomplished by the drawing of the Magna Carta, the Glorious Revolution in England, and the American "Revolution," which dissolved the sovereign people's allegiance to the British crown. Graham writes:

> The right [to the withdrawl of consent] is universal, rooted in natural law and legal tradition—a right of peaceable and lawful revolution. . . . it is a right necessary in extraordinary circumstances for every free and civilized people . . . Without it, federal relations are too dangerous to consider.

It is time, once again, for revolution—the demand for a return to the origins of American government. What could this mean but the summoning of a Second Constitutional Convention charged with the task of redrawing the Constitution of 1789 to fit the national reality of 2003—not by "reinterpreting" that document in its existing form, as proponents of a "living Constitution" have been doing since Lincoln's presidency, but by *altering* it in ways that return the United States of America to her federal principles and guarantee explicitly both the rights of numerical minorities and the interests of less populous, wealthy, and politically powerful regions?

Well before the Florida vote was certified in the 2000 election, Sen. Hillary Clinton announced her intention to introduce a bill that would scrap the Electoral College and provide for the election of president and vice president by popular vote. Whether the senator from New York ever followed up on her promise or not, hers was the triumphalist voice speaking, the voice of the tyrannical majority baying for the sound of shredding paper. The majoritarian left, in its usual shy and self-effacing way, is demanding fundamental constitutional change of a kind that would consolidate its present advantage and ensure its eventual hegemony. The South, softened up by Yankee money, Yankee influence, and Yankee flesh, is probably too corrupt already to answer the challenge. It is up to Western politicians—governors, congressmen, state legislators, county commissioners—to assert the revolutionary agenda by convoking a regional convention for the purpose of demanding a national constitutional one.

The West (we are cheerfully reminded, almost on a daily basis, by its enemies) is growing: It is home to tens of millions now, no longer a region of one-horse towns and single-representative states. The flip side of the growth coin is enhanced political clout, making the West politically unignorable—at last. If it chooses to wield that clout *now*, before it is too late, it might have an outside chance, at least, of winning back itself—along with, perhaps, something of what remains of the rest of the country.

Here is something to think about: The West doesn't need its own Calhoun—just enough brave, independent men determined to take their stand on ideas that seemed defeated forever in 1865. c

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by Thomas Fleming

Istanbul by Night

We had arrived in Turkey just in time for a February cold snap. It had snowed for several days in Istanbul, and, from our hotel (Pansionlari Ayasofya), we could see the dome of Hagia Sophia sugared with a dusting of fresh snow. The stuff was better to look at than to walk in—Turkish snow removal is on par with that of, say, Charleston, South Carolina. And, to watch the cars skidding and cowboying up hills and around blind curves, you would think we were in the tropics, where it snows once a century instead of once a year.

It had been a long day, beginning with a trip to pay our respects to the Ecumenical Patriarch. The Orthodox Church suffers from a number of serious liabilities. The Patriarch must be selected from the dwindling number of Christians who are Turkish citizens, which is a cruel irony considering the hundreds of thousands of Greeks persecuted and driven into exile as recently as the 1950's. Nonetheless, His All Holiness Bartholomew, who bears it all with cheerful fortitude, is an inspiration to whining Christians who have to endure nothing worse than social disapproval.

We spent the late afternoon in the archeological museum—an unforgettable collection of Greek and Roman antiquities from Anatolia (mixed in with the predictable Hittite junk—it amazes me that scholars have devoted their lives to early Anatolian art). The same young Serb who told me that Tolkien was inspired by Serbian folk poetry also said that Istanbul was the most beautiful city in the world, more beautiful even than Rome. Although I cannot agree with the hyperbole, I have enjoyed nearly every moment of the brief trip, a mere three-day stopover on the way to Israel.

Sitting in our hotel's little bar and sipping the excellent local "cognac" (a lot like Spanish brandy but better), we dither on about where to eat. Dr. Trifkovic prevails upon us to go wandering out into this snowbound wilderness to see what turns up, and, after several predictably unpleasant miles of wet shoes and frozen noses, we discover one tourist trap and many shabby lunchrooms crowded with older men, smoking their harsh tobacco and playing what appear to be backgammon and dominos. We slog down toward the old port area, which we know has restaurants, and I try not to let them hear my muttered curses—nothing better, on a half-healed broken ankle, than a nice walk on frozen brick streets that slope precipitously down toward the Sea of Marmara.

We stop in at an elegant new hotel, hoping it has a fashionable restaurant. Even the very pretty desk clerk does not recommend it, but she knows a place. (My heart begins to sink.) They even have a van that will pick us up (worse and worse). But it is late, and we are desperate. After a circuitous trip—backing the wrong way up one-way streets—to pick up other suckers, we are deposited at a place undergoing a rapid transition from dive to clip joint.

Like virtually everyone we have met in Istanbul, the manager and the waiters are remarkably friendly. My friends order the grilled sea bass they are used to, but I decide to follow the waiter's unpromising recommendation of steamed fish. The wine arrives, a dusty old bottle that has been stored too long next to the heater. It is undrinkable, but the replacement bottles, accompanied by some shellfish and stuffed vegetables, lift our spirits. Their sea bass turns out predictably dry and insipid, while my steamed fish, presented with great éclat in a little brass steam table, is delicious, and so is an additional order of fried bream (also recommended by the waiter).

When we entered, a folk band was playing what sounded like a cross between Arabic and Balkan music (the droning and whining I associate with Ottoman conquest and blood tribute), but, for the first time in my life, I can hear the traditional modes that underlie the tunes. The musicians stop at the table behind us, where an intimidatingly large young Turk is dining with a pretty, carefree young lady in a slit skirt. She, it turns out, knows hundreds of songs, and, since the boyfriend obligingly deposits money at frequent intervals upon the tray, the band stays for over an hour.

It is getting late, and we must take an early plane in the morning, but I have drunk too much local brandy and local wine, and now I cannot get enough of the local music. I have been studying Turkish for a few weeks, and, though I can catch few words, I have learned to appreciate the harsh, weird beauty of the language. The girl sings with the hoarse, bleating style of the Middle Eastern music I have always detested, but now I hear the passion in her voice, the intricately modulated phrasing, the joy that she and the musicians take in playing for one another—and for the local students at the end of the room.

Although I am one of three accidental bystanders, I deposit a twenty on the tray. At first, the musicians volunteer to come to our table, but I protest: "No, for the lady." When, too soon, it is all over about midnight, the girl and her friend get up to leave. *"Teshekur ederim, Effendim,"* I say, repeating from one of the tapes I had listened to on the plane, "Thank you, Ma'am," and she stares through me as if I am mad or she is offended. When she goes over to her large friend, however, she repeats the pidgin Turkish, pointing in my direction. He walks over to me (to slug me for insulting his girl, probably), lifts up his hand, and shakes mine, repeating, "Thank you. Thank you."

We stay on, talking with the students, who give us cigarettes, and the waiter explains to us that, since he is a Kurd, this is not his cuisine, not his music. Does he want to go to live with the Kurds? He looks at us with disbelief. What a question! Something like a third of Istanbul's population, he declares, is Kurdish, and many have intermarried with Turks. So not all Kurds are yearning to breathe the pure air of an independent Kurdistan.

"I grow old, learning many things," and one of the best things to learn is the beautiful strangeness of people you expected to hate but could learn to love. c

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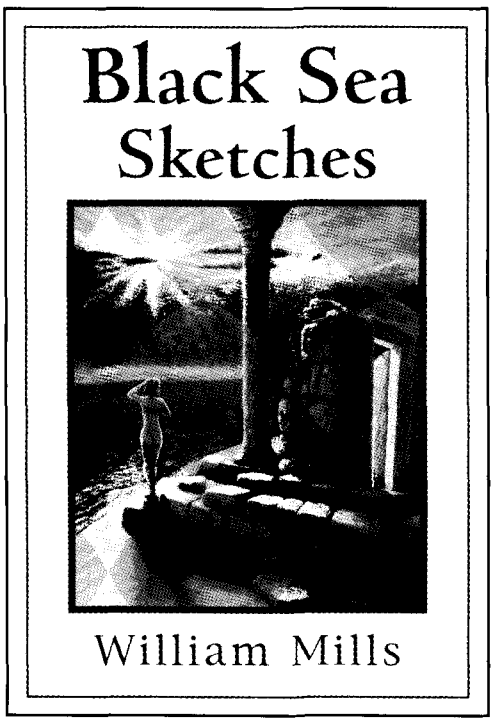
Black Sea Sketches

BLACK SEA SKETCHES is a travel book written for serious travelers, including armchair travelers. Although the author may take an occasional swim or walk the beaches, the book is much more about the history and prehistory, the culture and the contemporary scene than about recreational opportunities. It is the kind of book you would want to read before or during your own travel in these fascinating countries.

The five countries—Ukraine, Rumania, Bulgaria, Turkey, and Georgia—often share military and economic history, but cultural contrasts abound: different alphabets and languages, different religions. While most of Ukraine, Rumania, Bulgaria, and Georgia embrace the Orthodox faith, Turkey is largely Muslim, as is part of the Crimean population. All five of the countries reflect, especially architecturally, the common past of ancient Greece and, most of them, of the later Genoan commercial empire.



Rising above the glittering monuments of the past, however, are the people Mills met and the stories of their lives, often of great courage under pressure and of generosity to a stranger and a traveler.

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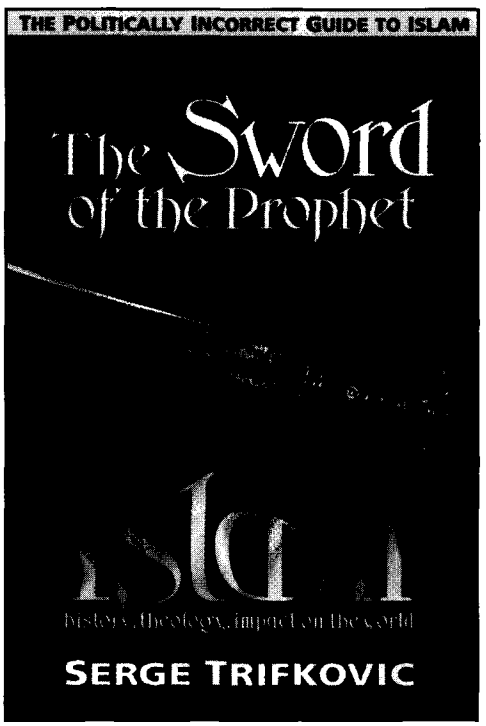

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